

Dynamics of Supervision on Foreign Workers (TKA) in Indonesia: Implications of Current Regulations on National Sovereignty and the Welfare of Local Workers

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Abstract: Supervision of Foreign Workers (TKA) in Indonesia has been the primary focus within the context of licensing mechanisms, such as the Foreign Worker Utilization Plan (RPTKA) and the Permit to Employ Foreign Workers (IMTA). Law No. 13 of 2003 concerning Manpower provides the legal basis for the supervision of TKA, yet new dynamics have emerged with regulatory changes, especially through the Omnibus Law on Job Creation (Law No. 6 of 2023). The shift from criminal sanctions to administrative penalties and the elimination of IMTA provide flexibility but concurrently result in social and economic impacts, including wage disparities and unequal treatment of TKA and local workers. Moreover, the significance of knowledge transfer between TKA and local human resources demands effective synergy. Striking a balance between the need for specific skills from TKA and enhancing the capabilities of local human resources is crucial to sustaining economic growth without compromising the welfare of local workers. The active participation and representation of labor groups in policy-making are acknowledged as essential, ensuring social justice and the rights of local workers. While regulatory changes may support foreign investment, a careful evaluation of their impact on local labor is necessary. In conclusion, regulatory updates must continually accommodate the evolving economic dynamics while preserving social justice and the rights of local workers.

Keywords: Foreign workers supervision, licensing mechanisms, omnibus law on job creation

1. Introduction

In Indonesia, as a rule of law state, all activities, including those involving the government, citizens, economy, industry, investment, and the utilization of Foreign Workers (TKA), are governed by laws rather than arbitrary power (*machtsaat*) (Ridlwani, 2014). Considering the need to support the national economy and expand employment opportunities through increased investment, the Indonesian government sees the necessity for a re-evaluation of TKA licensing regulations (Mashudi & Prasetyo, 2018).

The essence of employing TKA in Indonesia is to transfer their expertise to enhance the quality and competitiveness of the national workforce. In an increasingly liberal era, prohibiting the entry of TKA, especially in the context of intra-agency transfers where purchasing companies are allowed to bring in leaders and/or experts they require, can have negative economic, political, and legal implications. The standards for expertise should be delegated to professional organizations rather than the government imposing specific requirements (Suhayati, 2017).

In addition to all of this, the existing labor regulations currently do not provide a clear picture of the regulation and supervision of the mechanisms of Foreign Workers (TKA) within the territory of Indonesia. Globalization can impact workforce performance due to the influx of foreign direct investment. In this regard, special attention is needed to enhance the skills and knowledge of the workforce (Arif, 2021).

The ongoing globalization and modernization have increasingly brought attention to the issue of TKA, especially those coming from China entering Indonesia, giving rise to concerns regarding their activities within Indonesian territory. The Minister of Law and Human Rights, emphasized that the issue of a surge of 10 million Chinese TKA is untrue. The recorded number of Chinese TKA in Indonesia through the Ministry of Manpower (Kemnaker) of the Republic of Indonesia is only 21 thousand out of the total TKA in Indonesia, estimated to be around 70 thousand (Lukmantoro, 2019).

Data recorded by Immigration shows 31 thousand Chinese TKA, as immigration documents all crossings of these Chinese TKA. The National Police Chief, General Tito Karnavian, stated that the issue of unauthorized Chinese TKA has been resolved and clarified by the relevant ministries and agencies, so there is no need for concern.

The Ministry of Manpower of the Republic of Indonesia (Kemnaker) noted that throughout 2016, there were 74,183 TKA in Indonesia (as of November 2016). Chinese TKA comprised the largest group, totalling 21,271, followed by Japan with 12,490 TKA and the Republic of Korea with 8,424 TKA. Based on inspections of TKA utilization conducted by the Ministry of Manpower in the central and regional areas from January 2016 to December 2016, out of 69 examined companies, violations of TKA regulations were found, totalling 1,324 individuals (794 without IMTA), and 530 cases of position misuse (Lukmantoro, 2019).

The utilization of Foreign Workers (TKA) is inherently permitted only for specific positions and durations in Indonesia, contingent upon possessing competencies relevant to the intended roles. TKA are prohibited from occupying positions involving personnel affairs. According to the Ministry of Manpower (Kemnaker) data in November 2022, there were approximately 111.7 thousand TKA in Indonesia, surpassing pre-pandemic levels and marking the highest record since 2017. In November 2022, a significant portion of TKA originated from China (46.83%) and Japan (10.01%).

Various countries contribute TKA, including South Korea, India, the Philippines, Malaysia, the United States, Australia, the United Kingdom, and Singapore, albeit with percentages below 10%. Overall, the majority of TKA are engaged in the service sector (49.08%) and industry (48.30%). A small percentage is involved in agriculture and maritime sectors (2.62%). Half of them hold professional positions (48.43%), followed by consultants (21.30%), managers (20.90%), directors (8.68%), and commissioners (0.69%). Approximately 42.07% of TKA work across provinces, while the remaining 57.93% work in specific regions. Central Sulawesi accommodates the highest percentage of foreign workers at 9.67%.

Indonesian society tends to value and prefer TKA over Local Workers, as articulated by Saleh Daulay, a Member of Commission IX of the People's Representative Council, stating: "During our visit to Batam, we found that Chinese workers were paid IDR 12 million per month, whereas local workers in the same position as accountants were only paid IDR 6 million" (Puspitasari et al., 2018). Indonesia has become a target for Foreign Workers (TKA), necessitating a strategic response to the influx of TKA. The country must undertake various efforts to fulfill the rights of citizens to decent work and livelihoods for human dignity through job creation. The Job Creation Law is anticipated to absorb Indonesian Workers (TKI) extensively amid increasingly competitive conditions, global economic demands, and potential challenges and crises that may disrupt the national economy.

With the provisions of Law Number 6 of 2023 regarding the Enactment of Government Regulation Number 2 of 2022 concerning Job Creation becoming law in the labor cluster, the government facilitates employers or investors to utilize the services of TKA to expedite domestic investment growth. Every employer, particularly companies employing TKA, is mandated to appoint Indonesian Workers (TKI) as companions to TKA, accelerating the transfer of technology and expertise to the Indonesian workforce. This is crucial as the primary goal of employing TKA is knowledge transfer, and the government targets the dissemination and absorption of advanced knowledge and technology possessed by TKA through the companion workforce program (Adha et al., 2016).

According to Government Regulation (PP) Number 34 of 2021 concerning the Utilization of TKA, the companion workforce for TKA is defined as TKI appointed by TKA employers, prepared to assist TKA in technology and expertise. They are required to undergo educational activities, including job training, classified according to the qualifications of the positions they occupy. It is stipulated that when the employment relationship between TKA and the employer ends, the obligation of the employer is to repatriate the TKA to their home country.

Article 7, paragraph (1) of Government Regulation Number 34 of 2021 concerning the Utilization of Foreign Workers states: "Employers of Foreign Workers (TKA) must: a) Appoint Indonesian workers as companion workers for Foreign Workers (TKA) employed for technology and expertise from the TKA; b) Conduct education and job training for companion workers as referred to in point a, in accordance with the qualifications of the positions held by the TKA; c) Repatriate the TKA to their home country after the expiration of their employment agreement."

The procedures for the utilization of TKA were previously regulated in Law Number 13 of 2003 concerning Manpower, which included two forms of TKA usage permits. It began with the issuance of a permit by the employer in the form of a Foreign Worker Utilization Plan (RPTKA) to obtain a Permit to Employ Foreign Workers (IMTA), issued by the Minister of Manpower. After the enactment of Law Number 6 of 2023 concerning the Enactment of Government Regulation Number 2 of 2022 concerning Job Creation, which became law, the mechanism for TKA utilization permits was simplified into a single form of permit. Employers of TKA are now only required to create a Foreign Worker Utilization Plan (RPTKA) approved by the central government or designated officials (Rachman et al., 2023).

Based on Article 42, paragraphs (1) and (2) of Law Number 6 of 2023 concerning the Enactment of Government Regulation Number 2 of 2022 concerning Job Creation, it is stated as follows: "Every Employer intending to employ Foreign Workers is required to have a Foreign Worker Utilization Plan (RPTKA) approved by the central government. Individual employers are prohibited from employing Foreign Workers."

The mechanism and procedure for the submission and approval of the RPTKA are regulated in Article 12, Article 13, and Article 16 of Government Regulation Number 34 of 2021 concerning the Utilization of Foreign Workers. The utilization of Foreign Workers (TKA) in Indonesia is fundamentally required for two purposes: when TKA possesses

capital (investors) and/or expertise for the transfer of knowledge or technology. The use of TKA is intended to enhance the capabilities and knowledge of Indonesian human resources. Over a specified period, it is anticipated that TKA will facilitate the transfer of technology, particularly the transfer of knowledge, which should be mastered or at least well understood by Indonesian workers (Fatahillah & Padang, 2021).

In practice, the transfer of technology from Foreign Workers (TKA) to Indonesian Workers (TKI) is limited to the administrative data reporting carried out by companies, specifically the data of accompanying workers who should receive knowledge and technology transfer. In reality, technology transfer has not progressed as expected, as evidenced by the dominance of TKA in job qualifications within a company for an extended period.

Direct inspections were conducted on Foreign Workers employed in targeted companies, aiming to ensure the eligibility and suitability of TKA for the tasks they perform. This involves verifying the availability of legal employment contracts and ensuring that the TKA work in accordance with applicable regulations. If violations are found, appropriate legal actions will be taken in accordance with the prevailing regulations. The government's commitment to overseeing TKA in Pati Regency is expected to create a safe, orderly, and fair working environment for all parties involved.

Labor supervision, as a system, carries a mission and function to enforce labor laws and regulations. The implementation of labor laws is intended to maintain a balance between the rights and obligations of employers and workers, ensuring business continuity and workplace tranquility (Suparno, 2020b, 2020a). This, in turn, contributes to increasing the productivity and welfare of Foreign Workers (TKA). The utilization of TKA by TKA employers in specific job positions and for a limited period is conducted, taking into account the domestic labor market conditions. However, this practice may reduce the opportunities for Indonesian Workers (TKI) to work domestically, potentially closing off chances for TKI to contribute and thrive in their own country. This situation poses a dilemma and could impact the sovereignty of the Unitary State of the Republic of Indonesia (Izzati, 2021).

The government must wisely adopt a stance that not only follows global economic developments but also considers the consequences and regulations by taking into account national sovereignty and the utility of labor laws and regulations. Sovereignty lies within a nation that creates laws, making everything subject to the state. The state is an entity that establishes legal regulations because of its existence, and no law is valid without the state's approval.

The government should pay attention to the situation, particularly in the field of employment, where job opportunities are increasingly scarce and challenging, unable to accommodate the growing workforce each year. Ironically, in such a scenario, the influx of Foreign Workers (TKA) into Indonesia is on the rise. The economic slowdown, a critical repercussion of the global economy, coupled with high unemployment rates in Indonesia, is a consequence of the adoption and utilization by the Indonesian state (Izzati, 2021).

The deregulation of Foreign Worker (TKA) policy can be observed from its impact on the local workforce. This is related to the desires and demands of local labor, which rejects the employment of foreign workers as unskilled labor. Additionally, the revocation of regulations governing the elimination of the Foreign Worker Permit (IMTA) is not being seriously addressed by the government. The impact of the deregulation of TKA policy on the local workforce, from a policy perspective, poses disadvantages for local labor. This can be seen in the support for the full deregulation of TKA policy in Indonesia by business organizations such as APINDO and HIPMI. Local workers face the risk of losses due to the potential threats posed by the deregulation of TKA policy, leading to a lack of job opportunities.

Regulatory policies related to TKA use, which should aim to create job opportunities and increase investment, have become a double-edged sword for the working-age population in Indonesia. The increasing number of job seekers each year is not met with evenly distributed job opportunities, resulting in a rising number of educated unemployed individuals in Indonesia. Research on the issue of TKA has been conducted by various parties, as exemplified by Sri Wahyuni's 2019 dissertation titled "The Role of Foreign Workers in the Efficiency of the Malaysian Industrial Sector and Its Implications for Indonesian Labor Exports." The substitution between foreign and local workers with high and medium skills occurs across all manufacturing industries, while complementary relationships only happen among low-skilled workers in the manufacturing sector. Different researchers analyze the strengthening of both foreign and local workers with high skills across all manufacturing industries as an existence to preserve Indonesia's national sovereignty.

Based on the background outlined above, the research questions can be formulated as follows: How does the supervision of TKA exist in preserving national sovereignty, and how is the regulation of TKA supervision an existence in preserving national sovereignty from a legal perspective in Indonesia?

2. Methodology

This research adopts a juridical-empirical approach to explore the strengthening of regulations regarding the supervision of permits for foreign workers (TKA) as an aspect of Indonesia's national sovereignty. The research focuses on legal provisions, including current applicable regulations, as positive law. A legislative approach is utilized to analyze various regulations governing the strengthening of TKA supervision to preserve national sovereignty. A conceptual approach is employed to understand the conceptual framework and implementation of regulations related to the supervision of TKA and Indonesia's sovereignty. The comparative approach involves comparing legal aspects related to the strengthening of TKA supervision and its impact on national sovereignty. Data collection is conducted through documentation, tracing references from both print and electronic sources. Data analysis employs content analysis and analysis of compliance with legal norms. In conclusion, this research investigates legislative and conceptual aspects of TKA supervision in

supporting Indonesian sovereignty, with the hope of providing a better understanding of the effectiveness and weaknesses of current regulations in preserving national sovereignty.

3. Results and Discussion

3.1 Supervision of Foreign Workers (TKA) as an Existence in Safeguarding National Sovereignty

The supervision of foreign workers (TKA) in Indonesia is an integral part of safeguarding national sovereignty. In Law No. 13 of 2003 concerning Manpower, TKA is defined as foreign nationals holding visas with the intention of working in the territory of Indonesia. This definition provides a juridical basis for the supervision of TKA, making it a precise legal terminology. Implementing regulations, such as Presidential Regulation No. 72 of 2014 and Minister of Manpower Regulation No. 16 of 2015, provide more detailed provisions regarding the utilization of TKA (Indonesia, 2003).

The importance of this supervision is closely related to national sovereignty. The implementation of foreign worker (TKA) supervision is not only administrative but also strategic in maintaining economic sustainability and cultural diversity in Indonesia. Therefore, the supervision mechanism needs to encompass legal, economic, and social aspects.

3.1.1 Mechanism of Foreign Labor Utilization

The mechanism for the utilization of foreign workers is regulated in Law No. 13 of 2003, particularly in Articles 42 to 49. Article 42 paragraph (1) states that every employer who employs foreign workers must obtain written permission from the Minister or designated official. Although the utilization of foreign workers is restricted, there are exceptions in urgent and non-deferrable situations, following international legal instruments governing labor issues (Tan, 2022).

Several restrictions imposed on foreign workers are stipulated in the law, including the prohibition for individual employers to employ foreign workers (Article 42 paragraph 2). Foreign workers can only be employed in specific positions and for a specific period (Article 42 paragraph 4). Employers are also prohibited from placing foreign workers in personnel or specific positions (Article 46 paragraph 1), (Article 46 ayat 1).

3.1.2 Licensing Mechanisms: RPTKA and IMTA

The Foreign Worker Utilization Plan (RPTKA) serves as the primary foundation for the utilization of foreign workers. According to Article 43, employers intending to employ foreign workers must possess an RPTKA approved by the Minister or designated official. This mechanism is further elucidated in Presidential Regulation No. 72 of 2014. This regulation mandates employers to obtain the Permit to Employ Foreign Workers (IMTA), issued based on the approved RPTKA. The process is well-documented, ensuring complete control over the utilization of foreign workers. RPTKA applications are submitted online to the Directorate General of Placement Development and Job Opportunity Expansion (Virginia, 2019).

3.1.3 Obligations of Foreign Workers

Minister of Manpower Regulation No. 35 of 2015 introduces new aspects regarding the obligations of foreign workers. Some significant points include: a) PMDN Prohibited from Employing Foreign Workers as Commissioners. This regulation eliminates the possibility for PMDN companies to employ foreign workers as commissioners, clarifying the restrictions on positions that cannot be filled by foreign workers; b) changes in Rules for Granting RPTKA and IMTA for Temporary Employment. Minister of Manpower Regulation 35/2015 amends and removes several rules related to the issuance of RPTKA and IMTA for temporary jobs. This may provide more flexibility in recruiting foreign workers for specific jobs; and c) elimination of the Obligation to Have IMTA for Foreign Workers Not Domiciled in Indonesia. Although this change streamlines administrative processes for foreign workers not domiciled in Indonesia, the elimination of the IMTA obligation raises concerns about potential misuse by irresponsible parties.

3.1.4 Knowledge Transfer in the Context of Foreign Labor Utilization

Knowledge transfer becomes a crucial aspect in the utilization of foreign labor, especially in the context of economic and industrial globalization. The significance of this aspect is observed not only from a technical standpoint but also in the sustainability and enhancement of the capabilities of local human resources.

The relationship between the knowledge source and the recipient is a critical factor. The rigidity of this relationship can influence the effectiveness of knowledge transfer. Therefore, in the process of utilizing foreign labor, attention should be given to building a synergistic relationship between foreign workers and local employees. Good communication and collaboration skills can ensure that the knowledge brought by foreign workers is received and integrated effectively by local workers (Hanifah, 2021).

Supervision of Foreign Workers is a critical step in maintaining national sovereignty; however, a balance between the need for specific expertise from foreign workers and the improvement of local human resource capabilities also needs attention. Regulations that are too stringent may limit economic growth, while a lack of supervision can lead to abuse and inequality in the labor market. Given the rapid changes in the global environment and technology, it is crucial for the government to continuously review and update regulations related to the use of foreign workers. These updates should reflect the evolving economic and labor needs while ensuring that local human resources have opportunities and support for growth and development.

3.2 Regulation of the Use of Foreign Workers in the Perspective of Positive Law in Indonesia

Regulation of the Use of Foreign Workers in the Perspective of Positive Law in Indonesia Since early 2018, discussions regarding Foreign Workers (TKA) have escalated among labor groups, becoming one of their primary demands (Prajnaparamita, 2019). They oppose the arrival of foreign workers performing manual labor in Indonesia, asserting that this diminishes employment opportunities for local workers. They strongly demanded the revocation of Presidential Regulation No. 20 of 2018, which abolished the requirement for the Work Permit (IMTA). However, conversely, the government enacted the Omnibus Law on Job Creation, legalizing the elimination of IMTA in the utilization of foreign workers. The implications of Law No. 6 of 2023 concerning Job Creation on the regulation of Foreign Workers can be observed as follows.

3.2.1 Licensing Aspects

Before the enactment of the Job Creation Law (Law No. 6 of 2023 Concerning the Ratification of Government Regulation No. 2 of 2022 Concerning Job Creation into Law), the mechanism for imposing legal sanctions for violations of employing Foreign Workers (TKA) by employers who hired them without the required Work Permit (IMTA) incurred criminal penalties stipulated in Article 185 paragraphs (1) and (2) of the Manpower Law. These penalties included imprisonment for a minimum of 1 year and a maximum of 4 years, as well as fines ranging from Rp100.000.000.00 to Rp400.000.000.00. After the enactment of the Job Creation Law, the provisions related to IMTA were eliminated, and indirectly, criminal sanctions were no longer specified in regulations governing legal violations concerning the use of TKA. The process was simplified with the introduction of the Foreign Workers Utilization Plan (RPTKA), which now only imposes administrative sanctions on employers lacking the RPTKA (Tobing, 2023).

The recent regulations on the licensing of Foreign Workers (TKA) in the Omnibus Law on Job Creation have shifted from criminal law to administrative law. The legislative ratio of the Manpower Law differs significantly from that of the Omnibus Law on Job Creation, particularly in the cluster related to the control of TKA utilization in Indonesia. If the purpose of the Omnibus Law on Job Creation is to simplify the licensing process for TKA utilization, then the function of the Foreign Workers Utilization Plan (RPTKA) should be equivalent to that of the Work Permit (IMTA). In this context, the sanctions for violations of TKA utilization without RPTKA should be the same as the sanctions for violations without IMTA, which are criminal sanctions and not administrative sanctions.

According to Abdul Khakim, the elimination of criminal sanctions for violations of TKA utilization as regulated in Article 44 paragraph (1) of the Manpower Law, as amended by the Omnibus Law on Job Creation, indicates the government's more pro-investment stance and negligence towards the protection of local labor (Tobing, 2023).

The legislative ratio behind the imposition of criminal sanctions for violations of employing Foreign Workers (TKA) without a Work Permit (IMTA) and lacking the required skills, as regulated in the Manpower Law, indicates a prioritization of protecting local labor to ensure access to decent employment and humane income. In contrast to the Manpower Law, the Omnibus Law on Job Creation, which streamlines the TKA licensing process and eliminates provisions regarding criminal sanctions, replacing them with administrative sanctions, has demonstrated a degradation in the protection of the rights of Indonesian workers to job opportunities. The law is more pro-investment-oriented.

3.2.2 Economic Aspect

In terms of the economic aspect, local labor can be adversely affected if the government does not respond seriously to the influx of Foreign Workers (TKA) into Indonesia. According to data from the Ministry of Manpower, the use of TKA has shown a significant upward trend. The increasing trend in TKA usage in Indonesia correlates with the policy changes regarding TKA that have been in effect since 2015. This trend contrasts with the absorption capacity of local labor, which has experienced a decline, suggesting a shortage of local workers in sectors that have undergone rapid development. The government tends to focus on capital-intensive industries rather than labor-intensive industries, which are crucial for the Indonesian workforce to ensure optimal employment and reduce unemployment rates.

Given this reality, the government needs to balance the need for investment with the evolving trends in the Indonesian workforce. If capital-intensive industries dominate the labor market in Indonesia over labor-intensive industries, it will increase the trend of unemployment among the Indonesian workforce unless accompanied by overall human resource improvement efforts.

3.2.3 Social Aspect

In the social aspect, there exists a wage disparity between Foreign Workers (TKA) and local labor. The wage difference between TKA and local workers is adjusted according to policies in their respective countries. Local workers receive only the minimum wage, which is 2.8 million rupiahs, while the wages given to TKA can reach tens of millions, even though they hold similar positions. Additionally, there are disparities in social security treatment by companies, including differences in safety guarantees and the type of meals provided to TKA compared to local workers. Cultural and language differences between TKA and Indonesian workers contribute to the inefficiency of knowledge transfer processes. On the other hand, the demand for skilled workers needed by companies continues to grow, indicating that TKA may continue working beyond the initially agreed contract period, as regulated by laws.

Local labor perceives that the deregulation policy on the use of TKA does not genuinely create widespread job opportunities for them; instead, it facilitates and legitimizes the entry of TKA into Indonesia. The arrival of TKA threatens

the availability of jobs that should be accessible to local workers, leading to losses for local workers who struggle to find employment opportunities.

3.2.4 Policy Aspect

The underlying philosophy of employing Foreign Workers is a series of efforts to enhance investment, technology transfer, and skill transfer. Therefore, foreign investment in Indonesia is entirely aimed at the welfare of the Indonesian people. The government has removed several regulations hindering investment progress through the deregulation of TKA policies, simplifying policies to support increased foreign investment in Indonesia. Deregulation of TKA policies began in 2015 with the issuance of Minister of Manpower Regulation No. 16/2015, which repealed Minister of Manpower Regulation No. 12/2013, containing rules related to the use of the Indonesian language for foreign workers. The government continued the deregulation of TKA policies by revoking Minister of Manpower Regulation No. 16/2015 and replacing it with Minister of Manpower Regulation No. 35/2015, which eliminated and amended several articles. Subsequently, the government issued Presidential Regulation No. 20/2018, replacing Presidential Regulation No. 72/2014. In Presidential Regulation No. 20/2018, there is at least a regulation on the licensing of TKA related to the abolition of the work permit for foreign workers (IMTA), stating that the approval of the plan to use foreign workers (RPTKA) is equivalent to IMTA. However, in previous regulations, such as Law No. 13/2003 concerning Manpower and Presidential Regulation No. 72/2014, it is stated that RPTKA is different from IMTA, and the approval of RPTKA is a requirement to obtain IMTA. In 2020, the government then issued Law No. 11/2020 concerning Job Creation, which has now been amended to Law No. 6/2023 concerning the Determination of Government Regulation No. 2/2022 concerning Job Creation as Law, which eliminates the provisions for IMTA permits and the substance related to competency standards for TKA. The policy on the use of TKA in Indonesia, the lack of representation of labor in parliament, makes the demands of labor not receive attention from policymakers, resulting in the continued implementation of TKA deregulation policies. Considering this political reality, labor or local workers become the disadvantaged party due to a series of parliamentary deregulations, compelling them to exercise their political rights through extra-parliamentary activities such as mass demonstrations to voice their opinions.

4. Conclusion

Supervision of Foreign Workers (TKA) in Indonesia can be concluded that stringent regulations and licensing mechanisms, such as the Plan for the Utilization of Foreign Workers (RPTKA) and the Work Permit for Foreign Workers (IMTA), are crucial steps in maintaining national sovereignty. This aligns with the Labor Law No. 13 of 2003, which provides a legal basis for overseeing foreign workers. However, regulatory changes, especially through the Job Creation Law (now Law No. 6 of 2023), create new dynamics. The shift from criminal sanctions to administrative sanctions and the elimination of IMTA provide flexibility but also have social and economic impacts, such as wage disparities and inequality in the treatment of foreign workers and local workers. Furthermore, the aspect of knowledge transfer in the use of foreign workers is crucial, requiring synergy between foreign workers and local human resources. Balancing the need for specific skills from foreign workers and improving the capabilities of local human resources needs attention to ensure optimal economic growth without sacrificing the well-being of local workers. In this context, active participation and representation of labor are essential in policy-making. While regulatory changes may support foreign investment, their impact on local labor needs to be carefully evaluated. In conclusion, regulatory updates should continually accommodate evolving economic needs while maintaining social justice and the rights of local workers.

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Conflict of Interest

The authors declare no conflicts of interest.

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