

LABOR INSPECTION GOVERNANCE AT THE DEPARTMENT OF MANPOWER AND TRANSMIGRATION PROVINCE OF BANTEN

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Abstract

Labor inspection is defined as a public function of labor administration ensuring the application of labor laws in the workplace, with the main role being to convince social partners of the need for compliance with laws and the common interest through preventive, educational and law enforcement measures. This study has several research problem formulations which are also research limitations, including: 1). Implementation of labor inspection; 2). Institutional governance in the implementation of labor inspection?; and 3). The governance model of labor inspection at the local government level. The type of research used is qualitative, to make descriptions, drawings, drawings systematically, factually and accurately. Primary data was collected using interviews, and secondary data using documentation. This research is supported by data validation techniques through the degree of trust, transferability, dependability and certainty. Data analysis techniques use interactive models, namely data collection, data condensation, data presentation, and drawing conclusions. The results of this study are that the implementation of supervision before work, supervision during work, and supervision after / post work. governance of labor inspection institutions as a solution to construct and bridge labor management issues at the regional level. Governance of labor inspection institutions as a solution to construct and bridge labor management issues at the regional level. Appropriate governance of the implementation of labor inspection at the local government level needs the support of adequate human resources, a governance strategy that is appropriate to the company's social conditions and employment.

Keywords : *Governance, Supervision, Employment, Office of Manpower and Transmigration*

1. INTRODUCTION

Labor inspection is a subsidiary activity of labor administration. In general, the discussion on labor administration, especially in the context of supervisory governance, is the part that gets less attention, where the focus of the discussion tends to be based on a legal perspective. However, the development of scientific perspectives and the progress of the times has shifted this tendency towards the aspect

of labor administration which is based on governance and arrangements for managing inter-agency relations in order to create effective labor governance.

Richthofen (2002) explains that, "in the beginning labor inspection only regulates control and balanced relations between employers and workers in relation to welfare, health and forced labor for minors". In the 19th century, due to the Industrial Revolution, the British and German states drew up regulations and established an inspectorate body that specifically supervised factories. The basic philosophy of labor inspection is based on responsibilities, needs, state intervention, government functions from the constitutional obligation to protect and integrity of all workers (Richthofen, 2002). Labor inspection is defined as a public function of labor administration which ensures the application of labor laws in the workplace, with the main role being to convince social partners of the need for compliance with laws and the common interest through preventive, educational and law enforcement measures (ILO , 2010). In the second sense, labor inspection is defined as a public function, the responsibility of government, as a system, as well as in the broader context of state systems, to administer social and labor policies and to oversee compliance with laws and standards (Richthofen, 2002). This understanding unifies the supervisory duties between supervision as an instrument of law enforcement and supervision as an instrument of service in the field of occupational safety and health, working conditions and other aspects of the employment relationship.

Labor inspection can be viewed as an important part of effective management within an organization (Efendi & Poernomo, 2019), a control, evaluation and corrective process for the implementation of company management (Khasanah & Jaya, 2023), or a particular form of institution, as a subsystem that is embedded in the larger national labor administration system (Richthofen, 2002). These various understandings of labor inspection illustrate a shift in approach or perspective, from the point of view of supervision as a span of control and part of management to a broader point of view, namely inspection as part of the government governance program subsystem.) in a coordinated manner, to the management and interaction between the government, employers and workers (their representative organizations) within the framework of social dialogue which regulates and controls the balance, and requires a shared understanding of the interests and conflicts between the three interested parties (Richthofen, 2002).

In Indonesia, labor inspection is regulated in several laws and regulations (regulations) which create a system that processes dynamically, as well as practices that are accompanied by various problems. It began with the enactment of Law Number 23 of 1948 concerning Labor Inspection (UU No. 23/1948) and Law Number 3 of 1951 concerning Declaration of the Applicability of the 1948 Labor Inspection Act NR. 23 From the Republic of Indonesia For All of Indonesia (UU No. 3/1951). In 2003 the Government ratified and enacted Law Number 13 of 2003 concerning Manpower (UU No. 13/2003), Law Number 21 of 2003 concerning Ratification of the ILO Convention Number 81 Concerning Labor Inspection In Industry and Commerce (ILO Convention Number 81 Regarding Labor Inspection in Industry and Trade) (UU No. 21/2003), as well as Regulation of the Minister of Manpower Number 1 of 2020 concerning Amendments to Regulation of the Minister of Manpower Number 33 of 2016 concerning Procedures for Labor Inspection (Permenaker No. 1/2020).

Labor governance and labor inspection as a control instrument, as a system, and as a guideline for the implementation of good employment are regulated in the regulations above. Employment as part of the system and implementation of decentralized government affairs is also regulated in Law Number 23 of 2014 concerning Regional Government (UU No.23/2014). Therefore, this study has several research problem formulations which are also research limitations, including: 1). How is the implementation of labor inspection?; 2). How is the institutional governance in the implementation of

labor inspection?; and 3). What is the governance model for labor inspection at the local government level?

The ratification of ILO Convention No. 81 into Law by the Government of Indonesia on January 29, 2003 implies the improvement of the labor inspection system both in the regulatory context and in practice. It is explained in the regulation that the ratification of ILO Convention Number 81 aims to ensure that laws and regulations can be implemented effectively by industry and trade actors, the more enforceable labor regulations themselves, to maintain a balance between the rights and obligations of employers and workers/laborers, to ensure continuity effort and peace of mind of workers working in the workplace. Likewise with other regulations that specifically regulate the procedures and implementation of labor inspection which have the same objective, namely to guarantee and provide control over the relationship between employers (companies) and workers/laborers. In the context of systems and government relations, Law no. 21/2003 in the main points of the convention point 4 states that, "Labor inspection must be under the supervision and control of the central government."

2. THEORITICAL REVIEW

2.1. Regional Governance

Regional governance is referred to as local governance, while regional government is referred to as local government. The concept of local governance is seen as broader than local government, which is not much different from the government and governance dichotomy. (Shah & Shah, 2006) explains the difference between local government and local governance as follows: a). Local government (local government) refers to a specific institution or entity created by a national constitution, state constitution, ordinary law of a higher level of central government, provincial or state law, or by executive order to grant range of specific services to a relatively small geographic area; b). Local governance is a broader concept and is defined as the formulation and implementation of collective action at the local level, which includes the direct and indirect roles of formal local government institutions and governance hierarchies, as well as the role of informal norms, networks, community organizations, and neighborhood associations in pursuit of collective action by defining frameworks of citizen-citizen interaction, collective decision-making, and delivery of local public services.

In Indonesia, local government sweeps and merges the two concepts above which are articulated into local government practices. Regional government is a decentralized system of government, authority over various government affairs decentralized to regional governments with the aim of carrying out democratic principles, increasing community participation, equity and justice, and paying attention to the potential and diversity of regions through the granting of broad, real, and accountable powers. accountable to the regions proportionally (Muhammad, 2008).

The local government gives the widest possible authority to the regional government to: a). Make policies for services; b). Increased roles, initiatives and empowerment, by prioritizing the welfare of the people in the regions; c). Entrusted with the authority to carry out various affairs, such as: the health sector, providing education, overcoming social problems, employment services, employment development facilities, cooperative development, small and medium enterprises, environmental control, agricultural services, population and civil registration, services general government administration, investment administration services, other basic services, as well as other mandatory affairs mandated by law; and d). Carry out development planning and control, utilization and supervision, implementation of public order, public peace, provision of public facilities and infrastructure (Muhammad, 2008).

In a good context with good mechanisms, local governance is defined as the provision of local services that safeguard the lives and freedoms of residents, create spaces for democratic participation and civic dialogue, support local development that is market-led and environmentally sustainable, and facilitate outcomes which enriches the quality of life of the population (Shah & Shah, 2006). The orientation of regional governance is based on and focused on public welfare, rather than maintaining the political power or authority of the local government (individualistic) or a narrow economic framework.

2.2. Labor Inspection

In simple terms, supervision is an activity of supervising. The generalization of the meaning of supervision is a process as well as a guarantee for an activity or work that has been determined beforehand. Supervision is also termed as concurrent control or build-control, inspection, controller, supervision, span of control or span of management. The definition of supervision is also conveyed as terms: control, power, authority, influence, or to check (Efendi & Poernomo, 2019). The definition of supervision according to some experts include: a). William H. Newman, supervision is control that is carried out when the work is carried out, steering control, in the form of control carried out by part of the management system unit. (Sujamto, 1986); b). Sujamto, supervision is the implementation of control through the activities of the leadership (directing or supervisory activities) and through local observations (on the spot observation) carried out by the leadership themselves, to then be given an assessment and correction in its implementation. (Sujamto, 1986); c). Graicunas, supervision or control is the limitation of a person, an organization to be able to direct several people, with different types of work and sizes from top managers of the organization to subordinates, which are sorted according to diversification of functions, time and space. (Gulick, 1937).

According to Luther Gulick, control is a control vulnerability that places strict limits on a number of separate factors that can be understood by the human mind simultaneously. (Gulick, 1937b). According to H. Fayol, supervision is an action to check whether something has been implemented in accordance with plans, orders and principles that have been set. The object of supervision includes actions to detect weaknesses and errors, correct these weaknesses and errors, and prevent the recurrence of inappropriate actions. (Efendi & Poernomo, 2019). Supervision according to Mary Parker Follett is control that considers authority, orders, leadership or coordination over control of facts or conditions, human control, centralized control, and coercive (forced) control (Follet, 1937). According to Anthony J. Berry, Jane Broadbent, & David Otley, supervision or control is the process of controlling, guiding the organization into appropriate patterns of activity in a changing environment, where managers (managers) have an interest in influencing the behavior of other organizational members to achieve goals. (Berry, et.al., 1995). According to Adam, supervision (inspection) is "to examine critically, as for defects; to test officially". (Adam, 1958).

Arnold S. Tannenboum broadly defines the definition of supervision as "any process in which a person or group of persons or group or organization will do" (Efendi & Poernomo, 2019). Meanwhile, employment as a term that comes from the word 'Labor' which means people who work or do something, work, employees, and so on; or people who are able to do the job, both inside and outside the employment relationship. Employment according to KBBI is defined as labor matters, so simply, it is intended as everything related to manpower. According to Law Number 13 of 2003, employment is defined as everything related to labor before, during and after the working period. Employment is also implied in the following ILO explanation:

...“labour is not a commodity”. Labour is not an inanimate product, like an apple or a television set, that can be negotiated for the highest profit or the lowest price. Work is part of everyone’s daily life

and is crucial to a person's dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake, but to improve the lives of human beings." (ILO, 2019).

According to the ILO, labor inspection is a public function of labor administration which ensures the application of labor legislation in the workplace (ILO, 2010). In essence, labor inspection is an activity or process, a system carried out in order to ensure that a predetermined procedure is actually carried out and the objectives to be achieved can actually be realized. This sweeps oversight into a more specific context, but is implicit, that oversight is a preventive or repressive step to prevent deviations from the established procedures and objectives, as well as correcting it when irregularities are found in processes, activities, actions in a particular organization. Business and labor. This is a collective action and at the same time has the basis of punishment if violations, irregularities, or irregularities are found or suspected. So that it can be understood that labor inspection is essentially a part of general supervision, the implementation of the function of administering government, control (control, regulation, inspection, management, etc.) relating to employment or labor before, during and after the working period. The governance orientation of labor inspection is conceptualized with changes that can adopt a broader multidisciplinary approach. The ILO defines labor governance as, "The function of public administration activities in the field of manpower, including among other things the institutions, activities and results of the labor sector, including labor policy, labor law, social protection and industrial relations. This function is carried out by the labor administration system (all public administration bodies responsible for and/or involved in labor administration – central, regional, local, or other forms of decentralized administration – and any institutional framework for coordinating the activities of these bodies and for consultation with and participation of employers and workers and their organizations)" (Heyes, et.al., 2021).

In labor governance, there are several government institutions whose management functions are centered on the Ministry of Manpower or equivalent institutions and units below them, in addition to employers (private sector) and the civil society sector (individuals/workers, trade unions) or other forms that represent labor interests. . Supervision or control in a management perspective, is conceptualized as the last stage of a series of management, including planning, organizing, leading, and controlling (Efendi & Poernomo, 2019). The concept of supervision has various terms, such as: control, power, authority, influence (Efendi & Poernomo, 2019), or inspection (inspection) (ILO, 2010). From a management perspective, supervision is conceptualized as a span of control/management of control (span of control or span of management) within an organization (Gulick, 1937; Follet, 1937; Rogers, 1972; & Berry, et.al., 1995).

According to the expert, span of control/span of management is conceptualized in the range of control and the ability to control that is authorized to supervisors (superiors) over activities (production processes) and tasks assigned to subordinates (workers). This vulnerability of control includes several internal and external factors that focus on human resources and systems that influence. Rogers (1972i) describes that the span of internal control is composed of factors: 1) attention, knowledge, personality, and energy; while external factors are arranged according to factors: 1) the level of the organization being considered, 2) the extent to which authority and responsibility have been delegated (the degree to which authority and responsibility have been delegated), 3) the number of contacts personally with the subordinates required by the executive (the number of personal contacts with subordinates required of the executive), 4) the similarity of the functions being performed, 5) the training and competence of the subordinates (the training and competence of subordinates) , 6) the geographical dispersion of the organization.

In the governance perspective, supervision or control explained by Efendi and Poernomo is a key part of the governance of an organization, which is carried out by examining activities, evaluating compliance with certain standards and standards, issuing recommendations or orders. Supervision is an action to check and authorize (authorize), approve, verify, approve the division of tasks to be implemented in order to prevent and avoid risks. In the explanation of Heyes et.al. (2021) explains that the labor governance system includes 1) institutional involvement, 2) coordinating mechanisms, 3) consultative and participatory, where the spearhead of achieving governance goals lies in 4) labor inspection and 5) public employment services. This labor governance system can run effectively, when coordination between government agencies is organized and empowered, and institutional involvement of the private sector and non-governmental organizations, and workers can run well. Understanding Heyes et.al. This implies a balanced role and interaction between stakeholders in each sector, not only in the possibility of creating social opportunities, but also in establishing good industrial relations between employers and workers, as well as resolving disputes both between individuals and collectively. The understanding provided by Heyes et.al. above, in its application and challenges in practice, it was found to be a concern for previous thinkers, one example is the reconstruction of workers and the role of trade unions which are felt to have failed in playing their involvement role as stated by Issachar off (1990). This understanding of labor governance is inseparable from the meaning of employment and the interests of workers either as an entity within its institutional network, or as an independent entity. This focuses more on the definitive meaning of employment from the perspective of workers where the interests of workers (public interest) are focused on labor rights; administrative and regulatory mechanisms governing substantive terms and conditions of labour; its independence as an entity in maintaining its job and its choice to join a union or work alone; the failure of the government and trade unions in facilitating workers' interests; and the ignorance of employers in articulating labor regulations (Issacharoff, 1990).

In some parts this is an indication for the reconstruction of labor governance on the basis of interests that must be fulfilled in a balanced way in the process of regulating and managing labor affairs as a whole. Issacharoff's (1990) reconstruction emphasizes the role of trade unions with their primary role as stakeholders protecting workers from arbitrary treatment and providing the means for their participation in worker productivity activities. Issacharoff provides several characteristics of the role of trade unions, including: a). Become an institution that protects workers from unilateral dismissal or other forms of unilateral company provisions; b). Organized employment facilities in the workplace; and c). Become an institution that can improve unequal working terms and conditions.

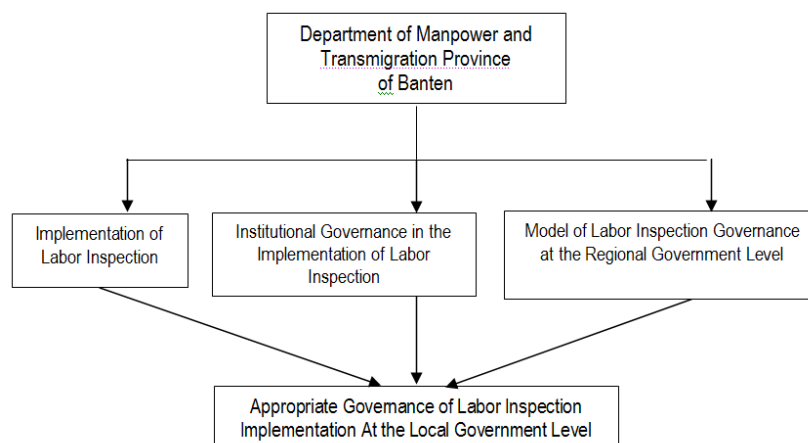


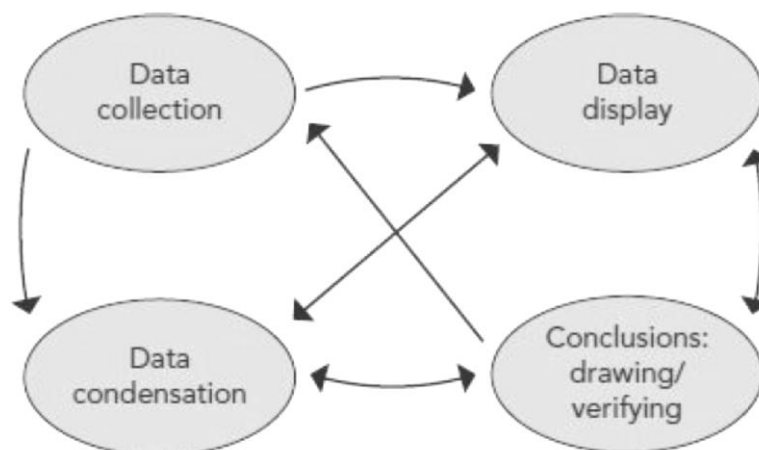
Figure 1: Research Conceptual Mode

This study of labor governance, which focuses on workers' problems in the workplace and the role of trade unions, implies that the obstacle to labor governance lies in the interpretive meaning of the rules in the regulations, which contain an imbalance in the rules of practice between the rights and obligations of employers/companies and the powerlessness of individual workers in employment relations, in which government authorities act as intermediaries. Meanwhile, trade unions, as their role above, become mediators of negotiations and guarantees in negotiating balances and relations between employers and workers. The presence of trade unions in the labor market mechanism is a counterbalance to the bargaining power of workers, where there is a vacuum in the regulatory regulations. This also includes overcoming the employer's arbitrariness in treating workers unilaterally, as exemplified in giving workers' testimonies on employer injustice, where employers can terminate them as a consequence of fulfilling their legal obligations as witnesses.

3. RESEARCH METHODS

The type of research used is qualitative, to make descriptions, drawings, drawings systematically, factually and accurately. According to Gabrielian, et.al., (2008) "The qualitative research method is referred to as post-positivistic research, because this method is an explicit process in research design that is more directed at interpreting or expressing meaning naturally."

In a study it is necessary to determine a research focus, Surakmad (2017) states that: Research focus is a means to find out the objectives of problem formulation, as well as a guideline before continuing field research on matters that must be found, analyzed, and solved. The focus studied is: 1). Implementation of labor inspection; 2). Institutional governance in the implementation of labor inspection; and 3). The governance model of labor inspection at the local government level. Primary data was collected using interviews, and secondary data using documentation. This research is supported by data validation techniques through the degree of trust, transferability, dependability and certainty. Data analysis techniques use interactive models, namely data collection, data condensation, data display, and drawing conclusions.



Gambar 2: Component of data analysis Interactive

Source: Miles, Huberman & Saldana, (2014)

This research is also supported by the validity of the data, which consists of; 1). Degree of trust (credibility), to get credibility in this study, researchers carry out supporting activities. To support this, researchers also coordinate and consult with supervisors, as well as discuss with colleagues; 2). Transferability is external validity in the empirical context of the research setting, which is about the

impression received by the researcher and suitability which is the result of the researcher's interpretation. The degree of transferability can be achieved through careful, detailed, thick or in-depth descriptions and the similarity of context between the sender and the recipient; 3). Dependability, to check the accuracy of data collection and analysis. In order to achieve a degree of reliability, it is necessary to have an audit or careful inspection of all components and research processes and their research results; and 4) Certainty (confirmability), namely objectivity based on emic and ethics as a qualitative research tradition. This degree can be achieved through audits or careful examination of all components and research processes and research results (Sugiyono, 2018).

4. RESULTS AND DISCUSSION

Banten Province has an area of 8,651.20 km² which is written in Law Number 3 of 2000 concerning the Formation of the Province of Banten. In 2019, there was an update on the administrative area area based on Permendagri Number 72 of 2019 concerning Amendments to Permendagri Number 137 of 2017 concerning Codes and Data of Government Administration Areas, Banten Province has an area of 9,662.92 km². Banten region is located between 5°7'50"-7°1'11" south latitude and 105°1'11"-106°7'12" east longitude. The Office of Manpower and Transmigration of Banten Province is a work unit within the Government of Banten Province which has the task of assisting the Governor and Deputy Governor in carrying out Government Affairs in the field of manpower and transmigration. The duties and functions it carries out are based on Regional Regulation Number 8 of 2016 concerning the Establishment and Composition of Banten Province Regional Apparatuses, and Regulation of the Governor of Banten Province Number 19 of 2018 concerning Organizational Formation and Work Procedures of Office Branches and Regional Technical Implementation Units within the Banten Provincial Government. . Based on this regulation, structurally, the Office of Manpower and Transmigration of Banten Province is in charge of 4 (four) Service Technical Implementation Units (UPTD), namely the UPTD of Serang City and Cilegon City Labor Inspection; UPTD of Labor Inspection of Tangerang City and South Tangerang City; the UPTD of Labor Inspection of Serang, Pandeglang, and Lebak Regencies; and UPTD of Labor Inspection of Tangerang Regency. The Office of Manpower and Transmigration of Banten Province has a vision of "Banten that is Advanced, Independent, Competitive, Prosperous and has good morals".

Table 1: Number of Human Resources Department of Manpower and Transmigration Province of Banten

No.	Aparatur Sipil Negara	Jumlah
1	Pembina Utama Madya (IV/c)	1
2	Pembina Utama Muda (IV/c)	2
3	Pembina Tk.1 (IV/b)	7
4	Pembina (IV/a)	26
5	Penata Tk.I (III/d)	40
6	Penata (III/c)	45
7	Penata Muda Tk.I (III/b)	32
8	Penata Muda (III/a)	2
9	Pengatur Tk.I (II/d)	2
10	Pengatur Muda Tk. I (II/b)	9
11	Juru Muda (I/b)	1
12	Total	167
Non Aparat Sipil Negara		
13	Tenaga Administrasi	77

14	Tenaga Administrasi dan arsip	12
15	Tenaga Keamanan/Pengamanan Kantor	9
16	Tenaga Kebersihan/Pramubakti	6
17	Driver/ Pengemudi	3
18	Tugas Pelayanan Umum/ Petugas Kebun	4
Total		278

Source: Strategic Work Plan Department of Manpower and Transmigration Province of Banten 2023 – 2026.

The Office of Manpower and Transmigration of Banten Province is supported by a number of employees, whose structure is divided into State Civil Apparatus (ASN) and Non-State Civil Apparatus (Non ASN). In the composition of the staff, 63 people have a Bachelor's level of education, 90 people have a Bachelor's degree, 4 people have a Diploma III, 4 people have a high school education, and 10 people have a junior high school education. Meanwhile, non-ASN employees have an education level of 1 Strata II, 50 Strata I, 4 Diploma III, 52 senior high schools, 3 junior high schools and 1 elementary school student. In the Banten Province Office of Manpower and Transmigration Strategic Work Plan document for 2023 – 2026, the Office of Manpower and Transmigration of Banten Province has two general strategic policies, namely; 1) increasing the competence and competitiveness of prospective workforce training, and 2) increasing the quality of public services. The two general strategies relate to the role of labor inspection, namely the second strategy. This strategic policy has several contents, including strengthening the organizational structure and governance of institutions, increasing the capability and capacity of the human resources of the apparatus, and increasing the carrying capacity of adequate facilities and infrastructure. The description of the strategy in the general policy is based on the principles of good governance.

The policy strategy is elaborated in the policy direction of the Office of Manpower and Transmigration of Banten Province as a work guideline and the objectives of efforts to manage labor inspection from its role as executor of regional government affairs in Banten Province, namely: 1) improving facilities and infrastructure, 2) standardizing business Process for each Regional Apparatus and detail it in service Standard Operational and Procedures (SOP). The policy strategy implemented by the Office of Manpower and Transmigration of Banten Province is used to realize the mission of the Regional Government of Banten Province to develop an economy that is advanced and competitive in an equitable and fair manner, as well as to realize good, clean and authoritative governance. In its elaboration, the suitability of the mission and strategic direction of the policy has goals and objectives on accountability for the performance of local government administration (Document of the Strategic Work Plan of the Office of Manpower and Transmigration of Banten Province for 2023 – 2026).

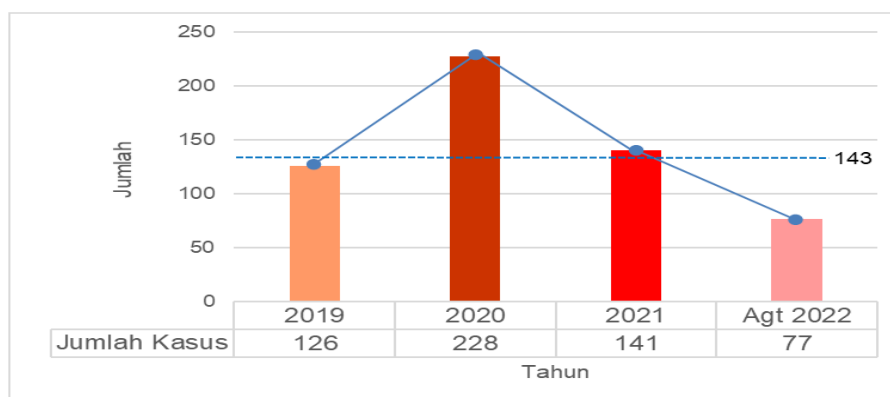


Figure 3: Development of the Number of Labor Violations in Banten Province 2019 –2022

The graph above shows that the average number of violation cases that occurred during the last 4 years was 143 cases of labor violations. The graph also shows that the practice of implementing labor inspection by the Labor Inspection Division of the Office of Manpower and Transmigration of Banten Province is not optimal. The violations committed by Employers/Companies and Workers/Labourers occurred in aspects of compliance with NK and NK3, discrepancies in wages paid to Workers/Labourers, as well as industrial/work relations disputes. Throughout February 2022 to February 2023, various online reports also reported a large number of NK and NK3 violations. There are at least around 21 reports that contain cases of work accidents and violations or allegations of violations of labor norms by employers and workers/labourers. The policy strategy is translated into programs related to labor inspection, including the implementation of labor inspection (Strategic Work Plan Document of the Office of Manpower and Transmigration of Banten Province for 2023-2026). The program for the implementation of labor inspection includes protection of working environmental conditions, and enforcement of labor law in connection with compliance with work norms and occupational safety and health (K3) norms both by employers/companies and workers. The work program is targeted at a number of technical implementations, including monitoring work accidents, granting ZA and SMK3 status to companies, examining employment and work environment, and resolving employment cases in the administrative area of the Office of Manpower and Transmigration of Banten Province (Kalnadi, 2022).

The Office of Manpower and Transmigration of Banten Province is a government agency tasked with assisting the Governor in carrying out government affairs in the field of manpower and transmigration as well as co-administration tasks assigned to the Province. This is regulated in Banten Governor Regulation Number 83 of 2016 concerning Position, Main Tasks, Functions, Types, Organizational Structure and Work Procedures of Regional Apparatuses of Banten Province Article 65 Paragraph (1). This regulation indicates that the Office of Manpower and Transmigration of the Province of Banten is an institution with the nature of assistance (*madebewin*) which influences the governance of the implementation of duties and functions within the scope of the regional government of Banten Province. In this regard, the implementation of the governance of labor inspection carried out by the Labor Inspection Division of the Office of Manpower and Transmigration of Banten Province is not only intended to assist the Governor in carrying out government duties, but this institution is also intended to assist and carry out the duties of the central government.

In addition to carrying out its duties and functions as part of the regional apparatus as mandated in Banten Province Regional Regulation Number 4 of 2016 concerning Manpower Implementation, the Labor Inspection Sector also carries out directives, rules, policies or decisions on tasks and functions of the Central Government, namely all matters originating from the Ministry RI Employment. Within its organizational structure, the duties and functions of the Labor Inspection Sector of the Office of Manpower and Transmigration of Banten Province are linked to the Directorate General of Development and Supervision of the Ministry of Manpower of the Republic of Indonesia (Dirjen Binwasnaker). The existence of this relationship also relates to the implementation of the policy strategy launched by the Ministry of Manpower of the Republic of Indonesia in the context of improving and administering labor affairs, such as the declaration of the 9 Leaps of the Ministry of Manpower which includes the Oversight Reform policy strategy. In addition to implementing the policy strategy of the Banten Provincial Office of Manpower and Transmigration, in an effort to fulfill and achieve the objectives of labor affairs in Banten Province, the Ministry of Manpower of the Republic of Indonesia through the Director General of Binwasnaker has developed a strategy to achieve the policy objectives of labor inspection. Among these strategies are the following: 1). Preparation of a work plan for labor inspection and K3 services; 2). Development of a transparent and accountable labor inspection system; 3). Institutional strengthening of labor inspection and K3; 4).

Development of K3 testing implementation; 5). Increasing the capacity and integrity of human resources for labor inspection and OSH; 6). Development of collaboration in the implementation of labor inspection and K3 services; 7). Development of a labor inspection performance audit mechanism; and 8). Strengthening consistent labor law enforcement.

The respective strategies in the management of labor inspection at the regional/local level are divided into several strategic derivatives, including;

- 1). Preparation of a work plan for labor inspection and K3 services, including:
 - a) Preparation of Labor Inspection System Planning.
 - b) Implementation of Data Analysis and Information on Labor Inspection and Occupational Safety and Health Services.
 - c) Strengthening Indonesian National Work Competency Standards in the Field of Labor Inspection and K3.
 - d) Strengthening National and International Labor Inspection and Occupational Safety and Health Cooperation.
 - e) Implementation of Integration and synergy of Labor Inspection and Occupational Safety and Health Services.
- 2). Development of a transparent and accountable labor inspection system, including:
 - a) Strengthening the Governance of Labor Inspection and K3.
 - b) Development of a Public Complaint Service System in the field of Labor Inspection and K3.
 - c) Construction of Virtual-based Labor Inspection and K3 Service Centers.
 - d) Strengthening the Implementation of Labor Inspection and K3.
3. Institutional strengthening of Labor Inspection and Occupational Safety and Health, including:
 - a) Arrangement of Central/Regional K3 Technical Implementation Units.
 - b) Strengthening the Labor Inspection Agency and K3.
 - c) Synergy development and collaboration in Supervision
 - d) Employment and K3.
4. Development of K3 testing implementation, including:
 - a) Redesigning Occupational Safety and Health Test Service Methods, through revitalization of occupational safety and health test service methods.
 - b) Implementation of ISO Center for Occupational Safety and Health and Private Occupational Safety and Health Testing Institutions.
 - c) Facilitation and Expansion of the Range of Occupational Safety and Health Testing for all K3 objects in the workplace.
5. Increasing the Capacity and Integrity of Human Resources for Labor Inspection and Occupational Safety and Health, including:
 - a) Increasing the Capacity and Professionalism of Human Resources for Labor Inspectors and K3 Examiners.

- b) Reform of HR Placement System for Labor Inspection and K3.
 - c) Community Involvement in Labor Inspection and K3: Recruitment of community-based supervisory work partners/involvement of work partners (workers union elements, elements of employers' organizations and universities).
6. Development of Collaborative Implementation of Labor Inspection and K3 Services, including:
- a) Mapping of Stakeholders Implementing Labor Inspection and K3 Services.
 - b) Implementation of Coordination and Cooperation of Labor Inspection and Occupational Safety and Health Services with All Stakeholders.
7. Development of an Audit Mechanism for the Performance of Labor Inspection and Occupational Safety and Health, including:
- a) Formulation of Labor Inspection Performance Indicators.
 - b) Development of Facilities and Infrastructure for the Performance Audit of Labor Inspection and K3.

Nevertheless, the strategy in an effort to realize the governance of the implementation of labor inspection above is currently underway, this is still encountering several obstacles. Obstacles that arise, among others, stem from several cases of violations of work norms and OSH norms committed by companies/employers and workers/labourers. In addition, there are several issues covering the governance of the implementation of labor inspection, including: a). There is no synergy between the work plan and the implementation of labor inspection between the national and regional levels; b). The weak institutional system of labor inspection at the regional level; and c). Implementation of labor inspection in areas that are closed and not accountable. This is shown by the implementation of a weak labor law monitoring and enforcement system (Kalnadi, 2022).

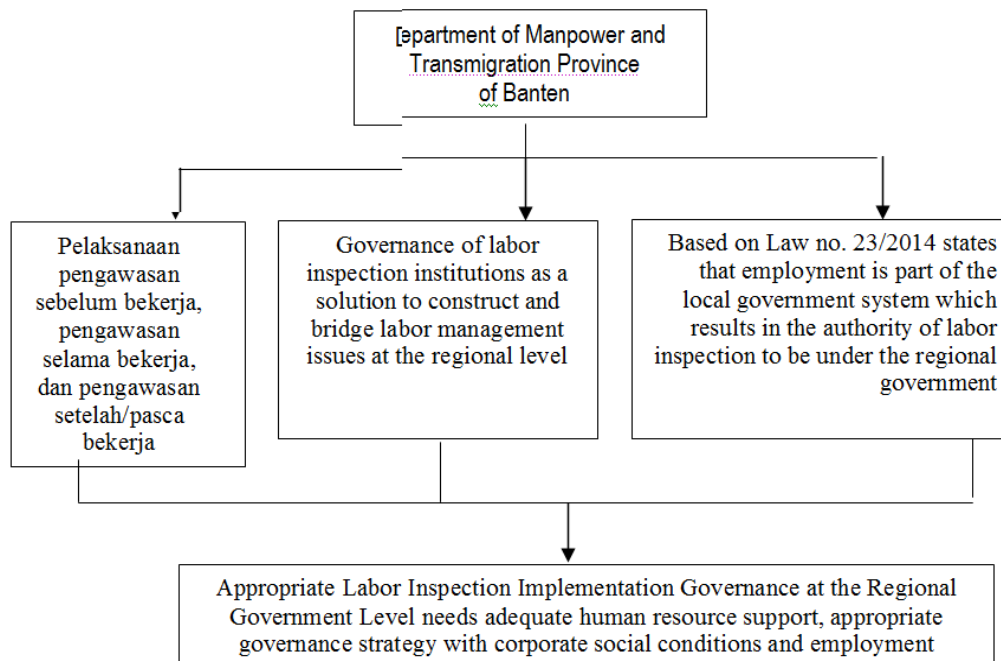


Figure 4: Recommendations for the Governance of Labor Inspection at the Regional Level

The implementation of the labor inspection function in Indonesia refers to Permenaker No. 1/2020 Article 3 Paragraph (2) which states that the function of labor inspection for; 1). Ensuring the enforcement of labor laws; 2). Provide information and technical advice to employers and workers/labor on matters that can guarantee the effectiveness of the implementation of manpower laws and regulations; and 3). Collect material information regarding work relations and employment conditions in the broadest sense as material for preparing or perfecting labor laws and regulations.

Labor inspection is faced with several general strategic issues that are currently being faced by all countries, both developing and developed countries. These strategic issues include occupational safety and health (K3), industrial relations, wages, and its relation to social security (ILO, 2010). These strategic issues are summarized in two aspects of the problem as well as challenges, namely between 1) employment and welfare; and 2) employment and health (medical) with the main objective to improve labor protection (Richthofen, 2002). The emergence of these strategic issues is influenced by the strength and impetus of economic, social, ecological and technological changes.

This shows the weak role of regional labor inspection stakeholders both from the government, private sector, trade unions/workers, community/workers and the urgency of the need for cross-institutional support between stakeholders from the three sectors in the governance of labor inspection including the regulation of industrial relations, role involvement local government in law enforcement, fulfilling rights and decent living standards, and decent work (Ministry of Manpower RI Strategic Plan 2020-2024). In connection with the problem of the non-synergized work plan and implementation of labor inspection between the national and regional levels, it is affected by several problems of synchronization and harmonization of rules or regulations in relation to labor governance.

5. CONCLUSION

Labor inspection is regulated in several laws and regulations (regulations) which create a system that processes dynamically, as well as practices that are accompanied by various problems. Starting with the passing of Law no. 23/1948, Law no. 3/1951, Law no. 13/2003, Law no. 21/2003 and Permenaker No. 1/2020. Labor governance and labor inspection as a control instrument, as a system, and as a guideline for the implementation of good employment are regulated in the regulations above. Employment as part of the system and implementation of decentralized government affairs is also regulated in Law Number 23 of 2014 concerning Regional Government (UU No.23/2014). Implementation of supervision before work, supervision during work, and supervision after / post work. governance of labor inspection institutions as a solution to construct and bridge labor management issues at the regional level. Governance of labor inspection institutions as a solution to construct and bridge labor management issues at the regional level. Appropriate governance of the implementation of labor inspection at the local government level needs the support of adequate human resources, a governance strategy that is appropriate to the company's social conditions and employment.

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