

# HASIL CEK\_Fithriatus Shalihah

*by* Fithriatus Shalihah Foreign Workers, National Interests

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**Submission date:** 23-Aug-2022 11:16AM (UTC+0700)

**Submission ID:** 1885800401

**File name:** OF\_LAND\_ACQUISITION\_FOR\_PUBLIC\_INTEREST\_AND\_ITS\_IMPLICATION.pdf (142.22K)

**Word count:** 6389

**Character count:** 34817

## IMPLICATIONS OF USE OF FOREIGN WORKERS TO NATIONAL INTERESTS

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### ABSTRACT

Before the *Asean Economic Community (AEC)* stipulates the provisions relating to the field of employment in the Southeast Asian region in terms of the freedom of the employment market, Indonesia's employment law has also made restrictions on labor skills As stated in the AEC agreement. In addition to the main purpose is to transfer knowledge to local workers, this restriction is also due to the high need for work for local workers. Some of these years the issue of foreign workers especially those from China is a concern for many parties. Because of the numerous numbers and coloring of the work market in various sectors in Indonesia. The Government considers that Indonesia is still in need of foreign investment in national development. Ultimately, the interest of investment is to ignore the provisions of the existing employment law. Various issues arose along with the foreign investment policy of a package with its workers. The latest is the birth of presidential Regulation number 20 the year 2018 on the use of foreign workers, which provides a lot of convenience to the foreign workers ' licensing that will work in Indonesia. This, of course, has the potential to raise social problems considering the gaps in the unemployment rate is still high in Indonesia. State from the beginning concerned with the intervention of the working relationship, because it aims to be the balance, justice and collateral rights of workers, where the worker referred by the law is an Indonesian citizen. It can also be interpreted as the birth of Law 13, 2003 is the Act of the mandate of the constitution 1945 article 27 (1) stating that each citizen is entitled to a livelihood and a decent occupation. That is why the country comes in a working relationship that is actually in the private sphere. That is, the arrangement of the use of foreign workers in the law is favoring the interests of many people.

*Keywords: Foreign Workers, National Interests*

### INTRODUCTION

Labor has a very important role in national development. This is because labor is the perpetrator and the subject of development as well as a destination or object of national development that will determine the survival of the Indonesian nation. In subsequent developments, after Indonesia submitted itself as a member of The World Trade Organization (WTO), by ratifying The Agreement of World Trade Organization Establishment through Law No. 7 of 1994 with State Gazette No. 57 year 1994 resulted in Indonesia having to enter the provisions of the WTO as part of Indonesian positive law and accept the consequences of the law arising in accordance with the implementation of the provision.

On the other hand, in the perspective of GATT/WTO, Protective labor regulations are considered to violate the WTO rules that require no discrimination in all respects including the position of article 27 paragraph (2) of constitution 1945 which confirms, Each citizen is entitled to proper employment and livelihood for humanity, and article 28 D clause (2) confirms that, everyone has the right to work and be rewarded and fair and appropriate treatment in working relationship,

regulatory The basis of the use of foreign workers in Indonesia on the condition of domestic work market, investment needs, international agreement and free-market liberalization relating to national interests to provide protection of the Indonesian Labour Opportunity (here in after called foreign workers).

In the early years (2016) ASEAN countries have officially implemented a joint commitment called the Asean Economic Society (AEC). The spirit of the stretcher is the spirit of ASEAN economic integration. In the AEC, the skilled workforce in the region is given the freedom to work anywhere in the ASEAN region. However, each country still has its licensing restrictions. act no. 13 the year 2003 becomes the main pillar that governs the licensing of foreign workers, especially in chapter VIII starting from article 42 to article 49.

ASEAN Economic Community (AEC) is the economic integration of ASEAN in the face of free trade between ASEAN countries. AEC has a pattern of integrating ASEAN economies by forming a free trade system or free trade between ASEAN member countries. The use of foreign worker is not intended to improve the ability and knowledge of human resources in the country, within a certain period, the expected foreign workers can transfer technology in particular, transfers of knowledge and has been mastered or at least Well understood by the domestic workforce.<sup>75</sup>

The formation of AEC is based on the four pillars, namely, first, making ASEAN a single market and production center. Secondly, it becomes a competitive economic area. Thirdly, creating a balanced economic growth, and the fourth pillar is the integration into the global economy. The unification is aimed to increase the competitiveness of the region, promote economic growth, suppress the poverty rate and improve the living standards of ASEAN society.<sup>76</sup>

According to the Executive director of the Center of Reform on Economics (core) Hendri Saparini, Indonesia's readiness in the face of the new AEC 2015 reaches 82 percent. It is driven from four (4) important issues that the government needs to have immediately anticipated in the face of AEC 2015, namely: 1) Indonesia could potentially only supplier of energy and raw materials for the industrial industry in the ASEAN region, so the benefits gained from The wealth of Indonesian trade balance that is currently the greatest among ASEAN countries is increasing, 2) widening the trade of goods, 3) liberate the flow of manpower so that Indonesia should anticipate by setting up a strategy Because of the potential of foreign workers, and 4) the entry of investments to Indonesia from within and outside ASEAN. Thus in free trade, there will be positive and negative things that will be experienced by each country involved therein. The challenge for Indonesia is to make changes to the community to prepare for free trade in the intention<sup>77</sup>, In this case, it is certainly a challenge for Indonesia which is hope and a challenge for the Indonesian nation.

The impact of knowledge transfer on foreign subsidiary performance has been a major focus of research on knowledge management in multinational enterprises (MNEs). By integrating the knowledge-based view and the expatriation literature, this study examines the relationship between a multinational firm's knowledge (i.e. marketing and technological knowledge), its use of expatriates, and the

<sup>75</sup>May Yanti Budiarti, Perizinan Penggunaan Tenaga Kerja Asing Dengan Berlakunya Masyarakat Ekonomi Asean Vol 10,2016. <http://jurnal.fh.unila.ac.id/index.php/fiat>,

<sup>76</sup>Edi Cahyono, Tenaga Kerja Asing (Tka) Dalam Perspektif Masyarakat Ekonomi Asean (MEA) : Peluang Atau Ancaman Bagi Sdm Indonesia, Vol 3 JBMA, 2016.

<sup>77</sup> Umar Congge, Masyarakat Ekonomi Asean (Mea) Harapan Dan Tantangan Dalam Perekonomian Bangsa.2015.

<sup>2</sup> performance of its foreign subsidiaries. We conceptualize that expatriates play a contingent role in facilitating the transfer and redeployment of a parent firm's knowledge to its subsidiary, depending on the location specificity of the organizational knowledge being transferred and the time of transfer. Our analysis of 1660 foreign subsidiaries of Japanese firms over a 15-year period indicates that the number of expatriates relative to the total number of subsidiary employees (1) strengthened the effect of a parent firm's technological knowledge (with low location specificity) on subsidiary performance in the short term, but (2) weakened the impact of the parent firm's marketing knowledge (with high location specificity) on subsidiary performance in the long term. We also found that the expatriates' influence on knowledge transfer eventually disappeared. The implications for knowledge transfer research and the expatriate management literature are discussed.<sup>78</sup>

The arrangement of the foreign workers set in Law No. 13 the year 2003 in chapter VIII on the use of foreign workers, foreign worker is a foreign citizen visa holder with the intention of working in the territory of Indonesia<sup>79</sup>. The birth of the ASEAN Economic Community (AEC) or known as Asean Economic Community (AEC) in the regional scope of countries in Southeast Asia, in terms of employment agreement is limited to the manpower that has expertise (Skills) that the treatment has been determined, meaning that it is still in line with the provisions on the use of a mandated foreign workers article 42-Article 49 Law number 13 year 2003 on employment.

Similarly, the order of article 45 paragraph 1b which requires entrepreneurs who use foreign workers to conduct education and training for Indonesian workers who become the companion of the foreign workers. However, the implementation of AEC has not been following the purpose of the acquisition of Law No. 13 of 2003 on manpower, because in the sense of implementation of the purpose of technological outsourcing in the use of foreign workers is not a concern entrepreneur. The enforcement of laws referring to these chapters shall be increased and urged the Government to comply with the contents of article 42-Article 49 of Law No. 13 of 2003 in implementing AEC. The main problem arising from AEC is the readiness of Indonesian labor competence and the availability of employment for Indonesian workers.

The fact above is a problem for Indonesian workers in this AEC era. Entrepreneurs in Indonesia will be more likely to recruit for foreign workers compared to Indonesian workers. In addition to the competency<sup>4</sup> problem, the entrepreneurs will prefer to recruit the foreign workers because of foreign workers, according to article 42 paragraph 4 of Law No. 13 of 2003, was employed in Indonesia with a certain period.

Foreign WORKERS are obliged and obedient to the law No. 13 years 2003 governing the provisions of foreign WORKERS working in the territory of Indonesia, the provisions are:

- Employers who employ foreign workers must have written authorization from a designated minister or officer;
- Foreign workers with a specific position;
- A certain period;
- The user plan of foreign workers;

<sup>78</sup>Fang, Y., Jiang, G. L. F., Makino, S., & Beamish, P. W. (2010). Multinational firm knowledge, use of expatriates, and foreign subsidiary performance. *Journal of Management Studies*. <https://doi.org/10.1111/j.1467-6486.2009.00850>.

<sup>79</sup>TenagaKerjaAsing (TKA) Dalam Data dan Informasi, Direktorat Jendral Binapenta Kemnaker RI, 2014.



- Competency standards;
- Prohibitions to occupy certain positions;
- Liabilities of compensation Fund;
- and the obligation to return foreign workers.

Employers of foreign workers are legal entities or other agencies who employ foreign workers by paying wages or remuneration in other forms, while the employer, including:

1. Government agencies,
2. International agencies,
3. Representatives of foreign countries,
4. International organizations,
5. Foreign Trade Representative Office, Representative Office of Foreign Company, the representative office of Foreign News,
6. Foreign private companies, foreign business entities registered in authorized institutions,
7. A legal entity established under Indonesian law in the form of a limited liability company or Foundation,
8. Social, religious, educational and cultural institutions,
9. The business of Impresariat Services is a management activity in the entertainment sector in Indonesia, whether to bring or to spend foreign workers in the field of art and sports.<sup>80</sup>

<sup>1</sup> Foreign workers seek overseas employment without sponsorship from a firm in their home country and hold temporary work visas in the host country. Despite the rising numbers of foreign workers, there is very little research that examines employment relationships and work behaviors of foreign workers. In this study, we draw on social exchange theory and predict differences in work perceptions, attitudes, and behaviors of foreign versus local employees based on differences in their exchange relationships. We then draw on social comparison theories and propose that these differences in perceptions, attitudes, and behaviors will be accentuated for workers in jobs with high task interdependence. We examined these hypotheses in a field study of 466 ethnic Chinese employees (213 foreign workers from the Peoples Republic of China and 253 local workers in Singapore with ongoing employment status). Results demonstrate lower distributive justice judgments, performance, and organizational citizenship for foreign versus local employees. Furthermore, results demonstrate that differences in distributive and procedural justice, performance, and organizational citizenship were heightened by task interdependence. We discuss findings and the implications of employing foreign workers.<sup>81</sup>

Before there was a presidential decree No. 20 the year 2018 The surge in the number of foreign workers has been high so that after the birth of the presidential decree is certainly higher again. With the high number of foreign workers who come and work in Indonesia become a new problem in the community and some people also consider the surge of the salty labor that mostly originated from China is not a Tgidak possible It is thus creating unrest for local workers. What is the provision of labor skills that are allowed to compete in the Indonesian job

<sup>80</sup> Minister of Manpower RI Decree Number Number 12 of 2015.

<sup>81</sup> Ang, S., Van Dyne, L., & Begley, T. M. (2003). The employment relationships of foreign workers versus local employees: A field study of organizational justice, job satisfaction, performance, and OCB. *Journal of Organizational Behavior*. <https://doi.org/10.1002/job.202>

market in the fact that violations are found This paper will raise the implications of the use of foreign workers for the national interest

## RESULTS AND DISCUSSION

Economic and trade developments are carried on the flow of globalization communication that has divided the boundaries of the state and geographic partition that materialized through transnational trade and business patterns through such rapid cyber communication. " The world Without Borders ", as stated by Futurology Kenichi Ohmae is not a delusion but a reality that must be faced.

The birth of world Organization in world trade or commonly called the WTO in 1994 is an organization that produces multilateral conventions that provide a cornerstone with the rules or norms governing the trade relationship and produce laws binding to the Member States, particularly in the field of trade.<sup>82</sup>

The inception of the WTO on a global level is a significant indication of world trade globalization including the globalization of manpower. This globalization makes the traffic trade of goods and services as well as the displacement of people to borderless or almost indefinitely<sup>83</sup>. The employment policy in Indonesia should be directed to provide protection and welfare for TKI. But as part of the international community, the WTO provisions on the *Natural Movement of Persons* need to be adopted in the placement policy of foreign workers by observing the implementation experience in other countries in the interests of local workers. Currently, there are many BILLS included in the national legislation Program (Prolegnas) to anticipate the provisions of globalization and regionalization.

Globalization does pose a variety of challenges for Indonesia but on the other hand, it gives an opportunity. Indonesia needs to utilize the opportunity of manpower liberalization in the WTO by building a working structure that supports the effort. *The transfer mechanism of knowledge* of foreign workers needs to be repaired to better support the quality improvement of local workers.

The birth of the WTO is not a compulsion but rather an agreement traveled by the founding countries in consideration of the economic gaps that occurred in every state. So that the WTO was founded as an organization of anti-discrimination that is believed to provide opportunities for each State to conduct international cooperation in the field of trade to advance the economy of each country. This cooperation is engaged in various sectors including the provision of foreign WORKERS who are expected to help vacancies in work skills, increased wages, and welfare.

Presidential Decree No. 20 of 2018 is a necessity, because if judging from the history of the arrangement, in the year 1994 Indonesia has established itself as a member of the World Trade Organization (WTO). The game rules are GATS (General Agreement On Trade in Services, as opening market access between the WTO member countries and the Asean Economic Community (AEC) in 2015. But the problem of foreign workers is always inviting the pros and cons of the community.

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<sup>82</sup>SoedjonoDirdjosisworo, Kaidah-kaidah Hukum Perdagangan Internasional versi Organisasi Perdagangan Dunia, CV Utomo, Bandung, 2004, p.19.

<sup>83</sup>Ahmad M Ramli, Seminar Nasional Penempatan Tenaga Kerja Asing di Indonesia", [http://bphn.go.id/data/documents/keynoot\\_speechrevisi.html](http://bphn.go.id/data/documents/keynoot_speechrevisi.html) , pada tanggal 14 April 2019 on 09.54 pm

Since the opening of the free working market in the 20th century, along with globalization and liberalization has encouraged the shifting flow of capital and investment to various worlds, there is also the current migration of population and labor between countries. The movement of the workforce took place because the investments needed direct supervision from the capital owners or investors so needed skilled personnel who could be trusted to manage and secure investments in the destination country. For such purposes, the owners of foreign capital carry as well as labor from their country or foreign countries to work as foreign workers in the destination country. This invasion of liberalization requires Indonesia to prepare the quality of human resources as a workforce to compete to seize local and international work markets.

The foreign worker is a foreign citizen visa holder to work in the Indonesian region<sup>84</sup>. Meanwhile, according to Budiono, foreign workers are people who are not Indonesian citizens who can do the work, both inside and outside the work relationship, to produce services or goods to meet the needs of the community.<sup>85</sup>

The existence of foreign workers or abbreviated foreign workers in a country including Indonesia is generally more associated with the impact on economic growth, employment opportunities and wage rates, as well as a foreign exchange that flies abroad and Resource factors. It is difficult to avoid that at the particular scope of work especially the jobs that require the mastery of high technology or that require special skills generally still cannot be fulfilled by the local workforce. Besides, the presence of foreign workers assessed can have a positive impact on local workers in the form of *transfer of knowledge* and become a capital to work at an international class level.

The basic philosophy of using foreign workers is as a series of efforts to increase investment, Transfer of Technology and Transfer of Skill to local workers, as well as an expansion of employment opportunities.<sup>86</sup> However, the problem in one side of Indonesia as developing country requires experts to run and support the wheels of the nation's economy that has not been able to be filled by local personnel, on the other hand, the higher the unemployment rate in Indonesia is a result of unavailability and there is no opportunity to be used by Indonesian citizen because most jobs are filled by foreign workers. Although the normative existence of foreign workers is limited by the laws of the State, on the practice in its field is often encountered inconsistency. In this case, the government simply says that the state requires a lot of professional personnel who have not been possessed by the indigenous people themselves so that the increasing need for foreign workers<sup>3</sup> is inevitable.

The need for legal devices, especially in the field of manpower, is to get attention because of the existence of foreign workers working in Indonesia as part of migrant workers who also have to get protection based on labor regulations. Indonesia, on the other hand, the development of increased skills of Indonesian workers need to be improved to be able to compete in accordance with the needs of the ASEAN Economic Community, and which is not less important is the role of the Labour Department And transmigration in this case the role of supervision officers on foreign workers working in Indonesia.<sup>87</sup>

<sup>84</sup>Article 1(13) Undang-undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.

<sup>85</sup>Abdul Hakim, *Dasar-dasar Hukum Ketenagakerjaan Indonesia Cetakan ke IV Edisi Revisi*, PT Citra Aditya Bakti, Bandung, 2014, p. 24.

<sup>86</sup>Ahmadi Miru, *Hukum Kontrak dan Perancangan Kontrak*, Jakarta: PT. Rajagrafindo Persada, 2008, p.35.

<sup>87</sup>Suhandi, *Pengaturan Ketenagakerjaan Terhadap Tenaga Kerja Asing Dalam Pelaksanaan Masyarakat Ekonomi Asean Di Indonesia*, Jurnal Fakultas Hukum Universitas Wijaya Kusuma Surabaya, Perspektif Volume XXI No. 2, 2016 Edisi Mei, p. 136.



This kind of condition will be alarming if it is constantly maintaining without efforts to improve the quality of migrant workers and the provision of training facilities and training needed to improve the quality. Considering that Indonesia is a country with great human resources. According to the population census of 2018, the population of Indonesia ranks fourth in the world after China, India, and the United States of 265.015 million<sup>88</sup>. When studied this is a big capital in running the economy from the employment and marketing aspects of production goods. The government only needs to provide access for the citizens to have skills as needed by the State so that citizens do not like the audience in their own country.

The number of Indonesian citizens who are idle is a form of government failure to fulfill the rights of citizens as stated in the Indonesian Constitution. Although Indonesia is part of the international community that requires Indonesia to comply with all international regulations, especially regarding the implementation of this free work market, the Indonesian nation should not forget that there are still Many Indonesian citizens who need jobs to fulfill and continue their lives. The growing number of foreign citizens in Indonesia will result in Indonesia's national interest.

In this case, of course, the constraints are always in the field, with the increasing (high) arrival of foreign workers, then also increased the potential of immigration violations conducted by foreigners such as the number of illegal foreign affairs phenomenon. The existence of illegal foreign workers is detrimental to the community because they are taking a job opportunity that should be the right of Indonesian citizens as many are found some of the workers from China who do abusive work, jobs that are not Need special skills, and this can also be a matter of national interest<sup>89</sup>

Looking at the things that happen in the field, many foreign workers originating from China to Indonesia will bring new problems in the world of manpower. If the existence of foreign workers in Indonesia is done as a form of *transfer of knowledge* to bring a foreign worker, the company is obliged to recruit local workers as a companion, this is a requirement for the application of using an approved foreign worker. This mentoring is intended for the *transfer of knowledge* as the government can run as it should. Thus, there will be no importation of skilled personnel to do.

Besides, the flood of labor from China in various projects in Indonesia becomes a boomerang for local workers. The more concerning, the government, in this case, the Ministry of Manpower and Transmigration claimed to have found new information that the Chinese foreign workers were majority have been equipped by the hiring of foreign licenses (IMTA), i.e. the documents That explain about legal status or not the foreigners working in Indonesia. Based on the decree of the Minister of Manpower and Transmigration No. 247 the year 2011, foreign workers can only fill positions that require certain skills.<sup>90</sup>

In-Law No. 13 of 2003 on employment starting from chapter 42 up to article 49 governs the placement of foreign workers required to have a permit to employ foreign workers (IKTA). The process of obtaining IKTA adheres to sponsorship principle which means the use of foreign workers is at the request of the company, it also means that foreign workers cannot work independently. The use of foreign workers should be beneficial to the growth of national economies, helping to expand job opportunities, embrace the income balance system and technological outsourcing programs. Most importantly, foreign workers who will

<sup>88</sup> <http://id.m.wikipedia.org/jumlah-penduduk-indonesia-tahun-2018>

<sup>89</sup> Yustisia Merdeka Analisis Kebijakan Penggunaan Tenaga Kerja Asing Di Indonesia (Dampak Dikeluarkannya Peraturan Presiden (Perpres) Nomor 20 Tahun 2018 Tentang Penggunaan Tenaga Kerja Asing), jurnal ilmiah ,Krista Yitawati, Volume 4 No 2 September 2018.

<sup>90</sup> Zabur Kaburu, "Banjir Pekerja Dari Negeri Panda", *Majalah Tempo*, 2015, p.98



work in Indonesia are allocated to positions that have not been filled by Indonesian labor, which means that if foreign workers are not able to work forever in Indonesia until local workers Ready to fill the post. However, the arrangement is still not able to protect local workers because of the implementation of unprecise provisions also the very broad freedom given to the foreign workers in filling strategic positions.

Such conditions are certainly discrimination that can threaten national interests. The country is obliged to ensure the welfare of its citizens by fulfilling each of its citizens ' rights to make the ideals of the nation possible. But in reality, the government forgets this side because it only focuses on foreign investments coming from abroad. Not to mention the problems that come from these foreign workers. If the government only focuses on the use of foreign workers to attract a lot of foreign investment into Indonesia, it will be feared if this will give a very bad impact on the stability of the country, because if citizens Committing rebellion for feeling that their right had been taken in his land, there would be an inevitable problem.

Besides, if there are many areas of employment that are filled by foreign workers compared to local workers, the state of Indonesia will be dominated by foreign countries and this will also have the effect of being found by some confidential state documents Impact on the country's stability. Because if the number of foreign workers continues to grow and the ratio of fullness exceeds the population ratio of local citizens, then the foreign worker will sabotage all matters relating to the interests of the State.

The constitution of the state of Indonesia has asserted in article 27 paragraph (2) that each citizen shall be entitled to employment and livelihood which is worthy based on humanity, meaning that the State is obliged to conduct the mandate of state constitution without An exception as a manifestation that the state conducts the mandate of national interest to promote and enrich its people. Although Indonesia is in a very onslaught in advancing foreign investment to advance the nation's economy, Indonesia also the provisions contained in MEA are currently running. But in practice, not all foreign workers in Indonesia entered the category of *skilled labor* as specified in the AEC agreement. Based on existing data there have been hundreds of thousands of foreign workers residing in Indonesia, where the majority are dominated by Chinese migrant workers. The inclusion of overseas investments makes the **existence of foreign workers in Indonesia** increasingly unstoppable. In addition to the AEC agreement factor, the influx of foreign workers is also supported by Indonesia's regulatory policies that facilitate the access of foreign parties in the management of natural resources in Indonesia.

The positive impact with the AEC will certainly spur the growth of both outside and domestic investments and will open new jobs. Besides, residents of Indonesia will be able to find employment in ASEAN countries. As for the negative impact of MEA, namely the market of free goods and services will cause foreign workers to easily enter and work in Indonesia resulting in a tougher labor competition in the field of employment.<sup>91</sup>

Of the 17,500 islands, the land area of Indonesia reaches 1.9 million km<sup>2</sup> and the seawater area of approximately 7.9 million km<sup>2</sup> with the length of the coastline reaches 95,181 km. Ninety-two small islands are the outlying islands.<sup>92</sup> Thousands of islands with all the natural resources that are in it are a valuable

<sup>91</sup> Bagus Prasetyo, Menilik Kesiapan Dunia Ketenagakerjaan Indonesia Menghadapimea, Rechts vinding online, 2014,

<sup>92</sup> Syamsul Ma'arif, "Pengelolaan Pulau Terluar Dalam Manajemen Pulau Terluar", Makalah, Fakultas Geografi UGM, 2009, p.8.

asset to be used fully for the prosperity of the people of Indonesia, as the purpose of the establishment of NKRI. However, there is a phenomenon at this time the attention of Indonesian people to natural resources today more criticize the problem of oil and gas that is said to be very liberal beneficial to foreign parties. This becomes more logical when looking at the Mineral and Coal Act No. 4 the year 2009 has been far from the values of Pancasila, it can be said to be more viscous with the liberalism. Where can be seen in the act of business license mining can be obtained through auction, meaning that the natural resources of Indonesia can be bought by anyone important at the highest price, including the nation is entitled to buy its origin can bargain for the highest price.

According to Friedman's theory, a component of good substance (legal product) is always produced by good structural components. Where the structural component is a component that has the authority to create the rules. If the structural components are not good, then the one that will be born is an immoral law that has no alignments to the interests of the community. So that the people who are in the structural components are not enough to only have the ability to hard/professional in working to make the rules, but what is needed in building this nation is a professional human and Immoral.

The Moral in question is a high sense of nationality and a strong spirit of nationalism. So that in any condition and any civilization in this world, then the participation of each generation always adhere to the mandate of the national development purpose of realizing Indonesia's fair and prosperous society. In the management of natural resources is also not less important to do further discussion. All the potential of nature that can produce prosperity and increase the life of the crowd desperately needed the attention of the government in its management. The problems that have been coloring the natural resources management in the border area are the many natural resources assets that are more manageable with a percentage of more profit to foreigners. Foreign investment becomes an easy way for exploitation of natural resources which is no longer in the interest of Indonesian people, but merely the interests of the investors. So in addition to the hard that has been qualified by the son of the Indonesian princess, it is still needed high soft skills to national moral, so that in any policy taken by the Government and in its implementation in the community has one understanding that the natural resources should be utilized for the benefit of the people of Indonesia as mandated by Constitution 1945.

The high number of labor and unskill migrant workers in Indonesia finally can not be avoided as a result of the investment of a package with its workforce. Chinese workers occupy the highest position of the spread of working relations in Indonesia in the working relationship of various companies. It should be recognized that the start of the enactment of MEA since the beginning of 2016 and the inclusion of foreign workers from China becomes a labor problem in the homeland. Moreover, with the enactment of visa-free to 160 countries brought the increasing impact of the rapid inflow of migrant workers to Indonesia. Foreign workers and the Indonesian labor force . The birth of the *International Labour Organization* aims to monitor and encourage honest and humane labor conditions. The contents of the Convention govern discrimination in employment and positions which have been ratified by Law No. 21 of May 7, 1999, where all Member States promote the similarity of opportunity and treatment through promotion National policy to end all forms of discrimination in employment and employment opportunities.

In terms of foreign labour supervision is also a problem and the implications of the national interest of obstacles faced in terms of supervision of foreign workers ie the number of supervisors of foreign workers who are not comparable to The number of foreign workers working in the company, a complex foreign worker

licensing procedures that cause a large number of companies that use foreign workers illegally and the absence of evaluation set *The use of foreign workers*.<sup>93</sup>

Because of the limited ability of the relevant personnel to carry out its supervision. Especially for Chinese citizens who are usually often caught hands abusing the permission to stay visits given to him such as being a foreign workers illegal in surveillance activities conducted by duty in the field.<sup>94</sup>

## CONCLUSION

As a member of the ILO, Indonesia has a moral obligation to implement international provisions including international employment standards. Entering the era of liberalization of the free working market, labor mobility among the WTO members increased in line with the existence of "request" and "offer" to open the opportunity to the foreign professional workforce to work in Indonesia. Following free and active foreign politics, Indonesia is ready to cooperate with all trading partners, both developed and developing countries, following the needs of trade, financing, and development of Indonesia in the trading system A firm, fair and open International. However, the challenges of national development related to employment are increasing by free trade and globalization of industry. This causes the presence of foreign workers to be a necessity as well as unavoidable challenges. Their presence is a necessity because Indonesia still needs foreign experts in the development of human resources in various economic sectors in Indonesia.

However, the existence of foreign workers can be seen as a threat if its existence is not able to contribute to economic growth, employment and wage opportunities for local workers considering the current increase in the number of foreign trade works in various sectors Indonesian employment. This means that the existence of foreign workers is considered a competitor of local workers if the level of proficiency and skills owned by local workers is very low. So, to prevent this occurrence should be held a regulation to supervise the use of foreign workers in Indonesia because it is feared if the capacity of foreign workers is not limited to its existence and position it will threaten national interest in terms of welfare as intended for national development purposes. Indonesia should have a defense to supervise the stability of the nation by not complaining of the laws in Indonesia. So that Indonesia does not forget its obligations as a country incorporated in the international world, as well as the state that is obliged to guarantee the rights of every citizen. Furthermore, preparing the human resources of Indonesia is also indispensable to improve the competitiveness of Indonesian workers in dealing with global competition. The government should emphasize the attention of the procedures for the admission of foreign workers to Indonesia so that the government can provide protection and welfare to an Indonesian citizen.

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<sup>93</sup>Nina Juwitasari, Sonhaji Solechan, *Implikasi Yuridis Keberadaan Tenaga Kerja Asing Sebagai Tenaga Kerja Di Indonesia*, 2016.

<sup>94</sup>Tony Mirwanto *Sistem Hukum Pengawasan Tenaga Kerja Asing Terhadap Penyalahgunaan Izin Tinggal Kunjungan Untuk Bekerja Pada Perusahaan Penanaman Modal Asing Di Indonesia*, *Lex Et Societatis*, Vol. IV/No. 3/Mar/2016.

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