



INDONESIAN NATIONAL POLICE

GUIDELINE ON
THE CONDUCT OF
INDONESIAN NATIONAL POLICE
IN HANDLING
LAW AND ORDER
IN INDUSTRIAL DISPUTES

Jakarta, April 2005

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**REGULATION OF THE CHIEF OF INDONESIAN NATIONAL
POLICE
POL.NO.: 1 YEAR 2005**

CONCERNING
GUIDELINES ON THE CONDUCT OF
THE INDONESIAN NATIONAL POLICE
IN HANDLING LAW AND ORDER IN INDUSTRIAL DISPUTES

BY THE GRACE OF GOD ALMIGHTY
THE CHIEF OF INDONESIAN NATIONAL POLICE

Considering: That in order to complement relevant guidelines within the Indonesian National Police and as official guidelines to be used in governing the conduct of the Indonesian National Police in respect of enforcement of law and order in industrial disputes, it is deemed necessary to adopt Regulation of the Chief of Indonesian National Police.

Taking into account:

1. Law No. 22 Year 1957 on Settlement of Labour Dispute.

2. Law No. 12 Year 1964 on Termination of Employment in Private Company.
3. Law No. 8 Year 1981 on Criminal Court Proceedings.
4. Law No. 9 Year 1998 on Freedom to Express Opinion in Public.
5. Law No. 21 Year 2000 on Trade Unions/Labour Unions.
6. Law No. 2 Year 2002 on Indonesian National Police.
7. Law No. 13 Year 2003 on Manpower.
8. Law No. 2 Year 2004 on Settlement of Industrial Relations Dispute.

Taking into account:

1. Results of coordination between the Indonesian National Police and institution having responsibility in labour, employers' organization and trade unions.
2. Recommendation and consideration of Staff within the Indonesian Police Headquarters and results of relevant cross functional and department seminar.

DECIDES

To adopt:

1. Guidelines on the Conduct of Indonesian National Police in Handling Law and Order in Industrial Disputes, as referred to in the attached text.
2. The present regulation shall be made as guidelines in implementation of the mandate of Indonesian National Police in the field.
3. Matters having not been incorporated in the present regulation shall be regulated subsequently.
4. Should there be any omission in the present Regulation, amendment will be made accordingly.
5. The present Regulation of the Chief of Indonesian National Police shall take effect since the date of its adoption.

Adopted in : Jakarta

On the date of : 24 March 2005

CHIEF OF THE INDONESIAN NATIONAL
POLICE



Drs. DA'I BACHTIAR, S.H.
POLICE GENERAL

To :

1. Chief of Criminal Investigation Unit of INP
2. Chief of Security Development Unit of INP
3. Chief of Intelligence Unit of INP
4. Chief of Mobile Brigade Corps of INP
5. Chiefs of Provincial Police

Carbon Copies:

1. Vice Chief of INP
2. Internal Affairs of INP
3. Deputies of Chief of INP
4. Heads of Divisions of INP
5. Head of Education and Training Institute of INP

I. INTRODUCTION

1. General

- a. Industrial dispute that could not be settled through the industrial disputes mechanism as stipulated in the laws may result in strike and demonstration stage by the workers, or company lockout by the employers.
- b. Any strike, demonstration or company lockout in general may result in the disturbance of public security and order.
- c. In situations as referred to in letter b., and in industrial disputes in general, appropriate action of the Indonesian National Police (INP) is necessary to maintain public security and order, enforce the law, and allowing the exercise of rights of workers and employers to strike, demonstration, and lockout.
- d. In order for police action as referred to in letter c. could be implemented in professional, proportional fashion, and in conformity with provisions of the laws, it is deemed necessary to adopt this Guideline.

2. Basis

- a. Law No. 22 Year 1957 on Settlement of Labour Dispute.
- b. Law No. 12 Year 1964 on Termination of Employment in Private Company.
- c. Law No. 8 Year 1981 on Criminal Court Proceedings.
- d. Law No. 9 Year 1998 on Freedom to Express Opinion in Public.
- e. Law No. 21 Year 2000 on Trade Unions/Labour Unions.
- f. Law No. 2 Year 2002 on The Indonesian National Police.
- g. Law No. 13 Year 2003 on Manpower.
- h. Law No. 2 Year 2004 on Settlement of Industrial Relations Dispute.

3. General Provision

- a. An Industrial Dispute is a difference of opinion resulting in a dispute between employers or an association of employers with workers/labourers or trade unions due to a disagreement on rights, conflicting interests, a dispute over termination of employment, or a dispute among trade unions in one company.
- b. An entrepreneur is:
 - 1) An individual, a partnership or

- a legal entity that operates a self-owned enterprise;
 - 2) An individual, a partnership or a legal entity that independently operates a non-self-owned enterprise;
 - 3) An individual, a partnership or a legal entity located in Indonesia and representing an enterprise as mentioned under points 1) and 2) that is domiciled outside the territory of Indonesia.
- c. An enterprise is:
- 1) Every form of business, which is either a legal entity or not, which is owned by an individual, a partnership or a legal entity that is either privately owned or state owned, which employs workers/labourers by paying them wages or other forms of remuneration;
 - 2) Social undertakings and other undertakings with officials in charge and which employ people by paying the wages or other forms of remuneration.
- d. An employers' association is an organization that is formed from, by

and for employers, and which has the authority to represent employers in matters concerning labour and industrial relations.

- e. A worker/labourer is any person who works and receives wages or other forms of remuneration.
- f. A trade union/labour union is an organization that is formed from, by and for workers/labourers either within an enterprise or outside of an enterprise, which is free, open, independent, democratic, and responsible in order to strive for, defend and protect the rights and interests of the worker/labourer and increase the welfare of the worker/labourer and their families.
- g. Mechanism of industrial dispute settlement shall be applied in accordance to the existing law(s). Its implementation is conducted by institution(s) with responsibilities in labour field and other institutions as referred to in the respective laws.
- h. Strike is workers'/labourers' action that is planned and staged in concert and/or by trade union/labour union to stop or slow down their work in lawful, orderly and peaceful manner.
- i. Lockout is employers' action to reject

its workers/labourers in part or in whole to undertake their work in lawful, orderly and peaceful manner.

4. Objective

- a. This Guideline is hereby prescribed to officially govern the conduct of all members of the Indonesian National Police (INP) in maintaining public security and order, and enforcing the law during or following strikes, lockouts and industrial disputes.

II. ACTION PROCEDURES

5. Coordination

- a. Regional Police Offices shall coordinate with institution(s) with responsibilities in labour field or employers' organization and/or trade unions in their respective territories to possess knowledge about any plan to stage strike, demonstration, or company lockout.

6. Police Detailing

- a. INP unit(s) shall be detailed in the area of strike, demonstration, or company lockout based on the request of institutions with responsibilities in labour field, the workers or trade union, as well as employers or employers' organization, or based on the police judgment.
- b. Police detail as referred to in letter a. is for the purpose of providing protection and services in maintaining public security and order and allowing workers and employers to exercise their rights to strike, demonstration,

and company lockout in lawful, orderly, and peaceful fashion.

c. INP personnel detailed in an area to handle strike, demonstration or company lockout shall:

- 1) Be in uniform at all time, wearing clear identity and unit badge;
- 2) Act in professional and proportional manner, and uphold human rights;
- 3) Remain impartial in dealing with the parties to the controversy;
- 4) Have a principle that all parties are equal before the law;
- 5) Always bear in mind that the parties are not their adversaries but rather are partners in the quest for industrial peace and social justice;
- 6) Not be involved in any industrial dispute negotiation.

d. In handling a strike, demonstration or company lockout that has not disturbed public security and order, INP personnel shall be detailed on twenty five (25) meter radius or on maximum visible distance from the striking workers or demonstrators.

e. Request for police assistance as referred to in letter a. shall be submitted in verbal or in writing with short chronological explanation about any violation of the law. Such request shall be submitted to the police office in the respective area. Should the request is made in verbal; it has to be supplemented with written request within 1 X 24 hours.

7. Police Action

- a. In case of real threats towards public security and order in industrial disputes, and in strike, demonstration, or company lockout, INP personnel must take necessary police action in firm and measurable manner, in accordance to existing laws and regulations.
- b. Police action as referred to in letter a. shall be conducted to maintain public security and order in efforts to enforce the law and uphold human rights.
- c. The Indonesian National Police can take compulsory action through summon, arrest, search, seizure, investigation and detention of any person who allegedly has conducted a crime during an industrial dispute,

and workers' strike, demonstration, and company lockout in accordance with the existing laws and regulations.

8. Use of Equipment and Fire Arms

- a. In proportion to the threat towards security and order in industrial disputes in general, and in workers' strike, demonstration, and company lockout, equipments that can be used are shield, Police "T" Stick, megaphone, tear gas, fire extinguisher, handycam and still camera.
- b. Ammunition of the firearms that can be used in handling workers' strike, demonstration and company lockout are hollow bullet and rubber bullet.
- c. The use of life bullet in such situation is prohibited.
- d. The use of equipment and firearms as referred to in letters a., b. and c. in handling workers' strike, demonstration or company lockout, shall:
 - 1) In accordance with the existing laws;
 - 2) In accordance with INP Standing Procedure Number: Protap/01/V/2001 on The Use of Firearms;

- 3) In accordance with Letter of INP Chief Number: STR/859/XII/2003;
 - 4) In accordance with other existing provisions and guidelines of the INP; and
 - 5) In accordance with the order of Chief of INP unit in charge.
- e. Firearms can be used only in situation where there is serious and imminent threat to the safety of life and property and dignity, especially:
- 1) In extreme situations (*overmacht dan noodweer*) for self-defense or defense of others against imminent threat of death or serious injury;
 - 2) To prevent serious and life threatening crime; and
 - 3) To paralyze and not to assassinate a person or a group of persons posing such threat.
- f. During the use of mass handling equipment and firearms, INP personnel shall ensure that assistance and medical aid are rendered to any persons in need of such aid as a result of the use of such equipment.

III. ACCOUNTABILITY

9. Police officers who exceed their authority in the use of force, mass handling equipment and firearms in handling industrial disputes, workers' strike, demonstration, or company lockout will be subject to disciplinary, police code of ethics, or penal sanctions according to the violations.
10. All complaints or reports concerning violation of authority conducted by INP personnel in handling industrial disputes, workers' strike, demonstration, or company lockout, as well as industrial disputes in general shall be processed and resolved in accordance with applicable laws, regulations and procedures.

IV. CLOSING

11. This Guideline shall take effect immediately upon signing.
12. This Guideline is rendered to compliment existing relevant guidelines.
13. This Guideline shall be followed and implemented by all INP personnel.

Enacted in: Jakarta

Date: 24 March 2005

CHIEF OF INDONESIAN
NATIONAL POLICE



Da'ibachtiar
Drs. DA'I BACHTIAR, S.H.
POLICE GENERAL

