

International Labour Organization

Baseline Survey
Understanding and Capacity of Indonesian National Police to
Implement Fundamental Principles and Rights at Work

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International Labour Organization

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Preface

This research was conducted under the banner of applying the outcome of the agreement among Indonesian National Police, the Minister of Manpower and Transmigration Republik Indonesia, and the International Labour Office, in Jakarta to administer Police Training Project in accord with the Declaration of International Labour Organization which touches the important role of the Police in maintaining security and uphold the law in the events of labour disputes. Therefore, useful preliminary data is needed to set up the training project. Thus, this research attempts to gain recent information especially on the knowledge of Police personnel about fundamental principles and rights at work.

Aside the matter, in the changing of Indonesian National Police, from a body primarily under the banner of Indonesian Armed Forces to a law enforcement institution which is directly responsible to the President, there is also a need to identify institutional abilities of work units in Indonesian National Police which can be functioned professionally in maintaining security and uphold the law when labour dispute arises.

This research was conducted by Research Team of Criminology Department from the Faculty of Social Science and Political Science Universitas Indonesia as External Collaborator from the International Labour Office in Jakarta which was conducted from October the 21st 2003 until December 19th 2003.

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Jakarta,

December 2003

Executive Summary

By ratifying ILO Conventions, the Government of Indonesia has a duty to carry them out. In the case of law violation and in situations where there is an industrial dispute which often comes up in the form of labour strike or company lock-up, it is the role of the Police to control, to maintain order and to uphold the law. Anyhow, in doing its duty, Indonesian National Police has long been influenced by military approach since it has institutionally been under the banner of Indonesian Armed Forces. This situation is not conducive for law enforcement and security maintenance which agrees with the principles of law.

Indonesian National Police was institutionally separated from the domain of Indonesian Armed Forces in the year 1997 by Law number 28 year 1997 on Indonesian National Police which was revitalized by Law number 2 year 2002. On the other hand, in the field of labour, where in the old order, labour force was positioned as the weak party in employment relationship, the situation was finally repaired by the enactment of Law number 28 year 2000 which was revitalized by Law number 13 year 2003 on Manpower which was more responsive to labour's need.

The transformation in Police's approach or changes in regulation of manpower which are suited with ILO Conventions need assurance that the changes materialize in reality. In supporting the plan, thus a research was conducted on the knowledge and ability of the Police in maintaining security and upholding the law when labour Dispute arises.

The research found that the understanding of Police personnel about fundamental principles and rights at work still needs to be improved because even though generally there seems to be a good insight about it, but in many cases there are still misconceptions. They relate to the understanding of the definition of child's age, and the role of the government in controlling labour organizations or employers organizations. While the role of Indonesian National Police in maintaining security or upholding the law when labour Disputes happen, according to the experiences of police personnel who once handled cases of labour Dispute, commonly concentrates on attempts to turn down crimes as the excess of a strike, for example. Anyway, there is also an effort to work things out for peace.

Institutionally, the Indonesian National Police has the capacity to perform its function as to maintain security and to uphold the law when labour Dispute arises. This function is explicitly or implicitly pledged in the Law on Manpower (Law number 13 year 2003) or in the Law on National Police (Law no 2 year 2002). But the role still needs to be improved through trainings which match the work-related need in the real world. Current educational curriculum in the Indonesian National Police is not yet capable in delivering professional ability needed to perform the desired function in handling labour Dispute. And the most pleasing thing is that internally the Police itself is trying to reform its educational curriculum.

CHAPTER I

INTRODUCTION

The research carried out is a survey on the Indonesian National Police (POLRI) officials aimed at measuring the extent of their knowledge on the International Labour Organisation Convention ratified by the Indonesian government. Due to the fact that the Indonesian government ratified various ILO Conventions, the Indonesian government is obliged to implement them. In relation to the fact, the research is aimed at observing the readiness of the Indonesian National Police as the security forces and law enforcers in carrying out their functions related to ILO Conventions and other relevant national labour laws. The actual POLRI's capacity observed in this research will be used to design trainings for POLRI officers in enforcing law and order in the events of labour disputes.

In order to obtain more comprehensive overview in the issue of labour disputes, complementary information are also obtained from a number of resource persons having the competence in their respective fields, comprising officials from the Ministry of Manpower and Transmigration, representatives from employers association, and representatives from the labour union.

Background

Following a consultation made between the Indonesian National Police (POLRI), the Ministry of Manpower and Transmigration, and the International Labour Office in Jakarta, an agreement was made to organise a Police Training Project in accordance to the International Labour Organisation Declaration in relation to the important role of the police in maintaining security and enforcing the law in the events of labour disputes. The project is actually a part of a broader technical assistance from the US government to the Indonesian government. The foundation of the project is contained in the Amended Agreement on Narcotics Control and Law Enforcement dated 23 August 2000 signed between the two countries. The amended agreement was signed by the US Ambassador for Indonesia and the Chief of Indonesian National Police in Jakarta on 26 February 2003.

1. The main aim of the above project is to support the efforts to increase institutional comprehension and capacity of the Indonesian National Police in safeguarding basic principles and rights in the workplace in compliance to the ILO convention, and in carrying out the role of the Indonesian National Police

in addressing the aspects of law and order in the events of industrial dispute. The aim is to be materialised by providing training and developing for police officers.

In addition to that, the ILO Convention Number 102 Year 1952 on the Minimum Standard of Social Security has not been ratified by the Indonesian government, while the new labour law, i.e. Law No. 13 year 2003 in many ways have coincide with the spirits of the ILO Conventions.

Identified issues

By ratifying ILO Conventions, the Indonesian government is thus obliged to implement them. If violations of law occur and in a situation where industrial disputes take place in the form of labour strikes of company closures, it is the role of the police to control, maintain order, and to enforce the law. However the Indonesian National Police, in carrying out their duties have been nuanced with military approaches, since the police force was placed under the scope of the Indonesian Armed Forces (ABRI) for a long period. The separation of POLRI from ABRI took place only in 1997 as stipulated in Law No.28 year 1997 on the Indonesian National Police, updated by Law No.2 year 2002. Whereas in the area of labour, whereby labour movements during the New Order era were weakened in the aspect of labour relations, the situation was only changed with the issuance of Law No.13 year 2003 on Labour which is more responsive towards the interest of labour.

Based on the description above, the prevailing problem is whether the Indonesian National Police has been institutionally prepared in carrying out the functions of maintaining security and order and enforcing the law, with a new approach, especially in addressing problems related to labour disputes.

Objectives of Research

The research is aimed at obtaining reliable, timely information on the Indonesian National Police's situation in relation to their duties in handling security and order problems in the events of labour disputes. As a preliminary research, the research attempts to gather basic data which can be used as a foundation in formulating policies, monitoring and

evaluation of the Police Training Project as stipulated in the ILO Declaration. Specifically the research aims at answering the following questions:

1. How does the organisation of POLRI comprehend basic principles and rights at the workplace in the relations between labour and employers?
2. How does the law applied in Indonesia provide authority to POLRI in maintaining order and law in the events of industrial disputes?
3. How is POLRI's institutional capacity in maintaining and enforcing the law in the events of industrial disputes?

Specifically the research will evolve around the knowledge and understanding of Polri members towards the ILO Convention Number 87, Number 98, Number 29, Number 105, Number 138, Number 182, Number 100, and Number 111.

Literature review

As a member of the International Labour Organization, the Indonesian government has ratified a number of ILO Convention in line with the 1945 Constitution (and its amendment) as well as other laws. The ratified ILO Convention are:

1. ILO Convention Number 19 year 1925 on Equal Treatment in Compensating Accidents (Ratified on 12 June 1950)
2. ILO Convention Number 27 year 1929 on Labelling Weights of Cargo Tranporter by Sea Vessels (Ratified on 12 June 1950).
3. ILO Convention Number 29 year 1930 on Forced Labour (Ratified on 12 June 1950).
4. ILO Convention Number 45 year 1935 un Underground Work for Women (Ratified on 12 June 1950).
5. ILO Convention Number 69 year 1946 Certification of Chefs at Vessels (Ratified on 30 March 1992).
6. ILO Convention Number 87 year 1948 on Freedom of Association and Engagement in Organisation (Ratified on 9 June 1998).
7. ILO Convention Number 88 year 1948 on Workforce Placement Service (Ratified on 8 August 2002).

8. ILO Convention Number 98 year 1949 on the Rights to form Organisation and Carry out Collective Agreement (Ratified on 15 Juli 1957).
9. ILO Convention Number 100 year 1951 on Equal Wage for Men and Women for Works with Equal Value (Ratified on 11 August 1958).
10. ILO Convention Number 105 year 1957 on the Elimination of Forced Labour (Ratified on 7 June 1999).
11. ILO Convention Number 106 year 1957 on Weekly Leave for Trade and Offices (Ratified on 23 August 1972).
12. ILO Convention Number 111 year 1958 on Discrimination in Employment and Promotion (Ratified on 7 June 1999).
13. ILO Convention Number 120 year 1964 on Health at Trade and Offices (Ratified on 13 June 1969).
14. ILO Convention Number 138 year 1973 on allowable minimum age to work (Ratified on 7 June 1999).
15. ILO Convention Number 144 year 1976 on International Labour Standards in a Tripartit Consultation (Ratified on 17 October 1990).
16. ILO Convention Number 182 year 1999 on the Worst Forms of Child Labour (Ratified on 28 March 2000).

Based on records at the CEACR (ILOLEX / *Indonesia@ref. 2002*) there are 13 labour related complaints made against the Indonesian government. The latest complaint was recorded at the CEACR on 25 November 2002 accompanied by supplementary information sent on 25 January 2003 and 28 February 2003, received on 1 April 2003 (Case No. 2236, Report No. 331 (Indonesia): Complaint against the Government of Indonesia presented by the Chemical, Energy and Mine Worker's Union). The complaint was related to the objection of the chemical, energy, and mine workers union from all across Indonesia with regards to the scorsing against 4 board members of the chemical, energy, and mine workers union in the Bridgestone Tryre Indonesia Company as an act of anti workers union and discrimination, which violated the ILO Convention Number 87 year 1948 and Number 98 year 1949.

In the case the Indonesian government perceived that the protection towards the anti union act and discrimination has been applied in accordance to the Article 28 Law No.28 year 2000, which was a new law in the area of labour. It was stated that the scorsing of the 4

board members are violating Article 28 (a) and 42 of Law No. 28 year 2000. Then based on a research made by the Directorate of Supervision of Labour Acts at the Ministry of Manpower, the case was reported to the Indonesian Police Headquarters on 7 September 2002 in accordance to the prevailing procedures.

In the case above, CEACR perceived that the suspension imposed against the 4 workers contradicted Article 6 (4) of the Minister of Manpower's Decree Number 150 year 2000. Hence CEACR recommended the Indonesian government to do the following: (i) take the necessary steps to ensure that procedures related to the alleged anti union and discrimination filed by the 4 members become a precedent in working relations' termination; and (ii) carry out best efforts to provide help to the 4 workers and ensure that all procedures at the national level are applied in the case, and settlement should be quick. The case involving Bridgestone Tyre Indonesia workers indicate the involvement of the police in enforcing the Law on Labour at that (Law Number 28 year 2000).

With regards to the freedom of association for labour which became an important issue in the past period, a research conducted by Patrick Quinn (2003) on "Freedom of Association and Joint Negotiation: A Study on Indonesia's Experience 1998-2003" concluded that:

"the climate of Indonesia's industrial relations have undergone significant changes since 1998, positive progress in terms of freedom of association and joint negotiation have been achieved.... Labour laws in Indonesia fully follow the provisions of ILO Convention No. 87 and 98".

Don Sherman Grant II and Michael Wallace (1991) in their research on labour strikes found that labour strikes can turn unto violence in the social political context of the area where the strike takes place, the legislative atmosphere, various skills of the striking workers, and resistance strategy from the employers. In this case violence is a self defense after the employers gain access to the bureaucracy. Grant II and Wallace's findings indicate that in handling labour disputes followed by strikes, the police as the social formal controlling forces have to place themselves in a neutral position. Whereas David H. Bayley and James Garofalo (1989) in their research on Violence Management by Police Patrols found that:

"(1) violence, even verbal aggression, is rarely used in present the police; (2) conflicts normally subside with the attendance of the police, which only leave a small space for manipulation; and (3) the police attitudes seen by their peers as demonstrating the skill to reduce violence measured from the difference of 'average' attitude of officers,

and considering that working colleagues are the best judges in evaluating on field performance”

Based on the findings Bayley and Garofalo suggested that the police should consider 6 aspects in formulating policies related to routine patrol activities to reduce violence: Firstly: the use of sophisticated diversion tactic when contact is made is not the key to reduce violence. Conflicts generally stop when the police arrive, attack against the police is very rare, and the extent of violence used by the police is normally low. Police officers have to be trained to avoid real provocations, i.e. with the use of vulgar language or to act without listening. However tactic adjustment while encountering violence may not be necessary. It is doubtful that the diversion training will be beneficial in reducing the forms of low level of violence involved in patrol duties.

Simultaneously, a broader training and tactic elaboration may be important for other reasons. Trainings to handle conflicts can be provided through role playing when facing problems on filed, and through information sharing on the experience of a particular tactic and its result through a seminar of group discussions rather than reacting after the crisis.

Second: anticipating the unexpected incident may be beneficial in order to avoid the use of unnecessary violence which could result in injuries, rather than acting after an incident occur. In this case police training must emphasise the fact that physical conflict is seldom found. Even though the training focus on the danger of police actions and consequences of lenient measures, the police will understand that every patrol duty is not a battle and not all orders assigning them to the crime scene involves crisis. There is indeed a paradox that the police are trained to “combat” but at the same time obliged to enforce peace. Not paying attention will result in more serious consequences compared to missing a fire.

Third: training on the use of violence during patrol duty has to emphasise effective techniques in defending rather than beating, attacking, or firing bullets.

Fourth: the police organisation in assigning on filed officers have to select appropriate role models to be assigned in on field trainings for officers, resource persons in on the job trainings, and instructors at the academy.

Fifth: the police organisation has to seek ways to encourage experienced patrol officers to stay on the assignment, since they will act as role models for the younger ones.

Sixth: the freedom to express opinion among in field officers, at least in relation to on field tactics, demonstrates utility rather than barrier in upholding police norms.

Research Activities

In order to carry out the research within the designated time frame, thus the activities carried out are divided into groups of activities with weekly time allotment, encompassing:

No	Activities	Time
1	Formulating work plan	20 October 2003 – 25 October 2003
2	Forming Research Team	20 October 2003 – 25 October 2003
3	Designing research questionnaire	20 October 2003 – 25 October 2003
4	Consulting research questionnaire with POLRI	27 October 2003 – 7 November 2003
5	Coordinating research locations with POLRI	27 October 2003 – 7 November 2003
6	Gathering research data	10 November 2003 – 14 November 2003
7	Processing research data	17 November 2003 – 21 November 2003
8	Report writing	24 November 2003 – 28 November 2003
9	Translation of report, duplicating reports, and submission of report	1 December 2003 – 5 December 2003

Important research findings

Based on the review of documents i.e. guide book and technical working guide of Polri, especially “the Guide Book of On Field Operational Management of Police Officers at the level of Provinces, Municipality, and County Levels) (the Chief of Police Decree Number POL: Skep / 1540 / IX / 1998, dated 30 September 1998; Skep / 1543 / IX / 1998, dated 30 September 1998; Skep / 1539 / IX / 1998, dated 30 September 1998 which generally discuss labour issues incorporated in the social cultural - correlative criminogenet, for instance the presence of poor labour and massive employee dismissal. Whereas the issue of human rights protection, even though has been made a main assignment menu for Polri, has not been incorporated to address human rights protection to the workers as written by the Polri’s Legal Development Institution, August 2001 which contained Law Number 39 year 1999 on

Human Rights, Law Number 26 year 2000 on Human Rights Trial, and International Human Rights Standard for Law Enforcers.

Law Number 2 Year 2002 on the Indonesian National Police provides an emphasis to the function of maintaining security and public order, enforcing the law, protecting, assisting and providing services for the society (Article 2, Article 13) which are further described in article 14 which allow Polri to be involved in handling industrial disputes, whereby in letter l it is stipulated that Polri is obliged to : “carry out other duties as mandated by laws”. Since Law Number 13 Year 2003 on Labour article 182 grants the authority to the Indonesian National Police to carry out investigation against crimes described in the law, which possible penalties are stipulated in article 183 to 189.

The knowledge and comprehension of police personnel on basic principles and rights at the workplace are not sufficient and are not supported by appropriate training pattern according to the principles of labour disputes issues.

Outline of Report

The research report comprises of a number of chapters:

- I. Introduction: describing the background of the research, the identification of issues, objectives of the research, bibliography review, research activities, and major findings of the research.
- II. Research Implementation: describing research methods, data gathering methods, composition of research team, data analysis and reliability of research.
- III. Research Findings:
- IV. Conclusion and Suggestions:
- V. Attachments:

CHAPTER II

RESEARCH IMPLEMENTATION

Research Methods.

Selecting Respondents.

The research is carried out primarily by using survey methods with middle officers of Polri on duty at a number of deliberately selected Resort Police Units. The middle officers are selected based on the function of their positions relevant to the case of industrial disputes settlement. They are the head of intelligence unit, head of investigation unit, the head of *Samapta* unit and the head of community relations unit. The survey is carried out by interviewing the Polri middle officers based on the close ended questionnaire, with possibilities of accepting open answers or explanations of closed answers stated by respondents. When the interviewers fail to meet the selected middle officers, the deputies would replace them as alternatives. The method is pursued by taking into account that uniform answers may be obtained when they are answering on the behalf of Polri, when asked about matters related to the functions of their posts. The alternative respondents are also used remembering the limited time and funds of the research, which forces any interviewer to be in a research location for no more than two days.

Hence in order to complete the data in relation to Polri's policy in response to labour dispute settlement, 11 Polri middle officers assigned in the headquarters are incidentally interviewed for the particular aspect.

Selecting research locations.

A research upon an institution like the police in order to analyse its institutional capacity can be carried out upon any operational working units. This is due to the fact that identical working pattern and mechanism of identical working units in an institution like the police will not likely to vary. The research determines its research location at the units of Resort Police, considering that labour disputes in the form of labour strikes or company closures by employers will be handled by the lowest unit of Polri i.e. the Resort Police. Thus in order to fulfill the required scope of provinces in the research agreement, the Resort Police areas are selected based on the special nature of the local social setting in relation to its

special nature of its industries. Based on the consideration, thus selected areas for data gathering purposes, grouped according to their provinces are the following:

- a. North Sumatera Province : Tanjung Morawa, representing plantation industries.
- b. Banten Province: Tangerang municipality, a centre of foreign direct investment industries (international brand sub contracts)
- c. Jakarta Province: the Pulo Gadung industrial park, one of the most established industrial areas.
- d. West Java Province: Cigondewa (Cileunyi) area, a centre of garment industries.
- e. Central Java Province: Kudus, a centre of local tobacco industries.
- f. East Java Province: Sidoarjo, a centre of metal and electricity industry.

Research Team.

Head of the team : Prof. Dr. Muhammad Mustofa, MA
 Head of Criminology Department, Faculty of Social and Political Sciences, University of Indonesia

Members : 1. Drs. M. Kemal Dermawan Msi,
 Head of Lab Department, Criminology Dept
 Faculty of Social & Political Sciences, UI
 2. Drs. Adrianus M. Meliala, Msi. MSc (Doctoral Candidate), Senior Researcher/Lecturer at
 Faculty of Social & Political Sciences, UI

The Interviewers assigned to gather data are lecturers at the Criminology Department, Faculty of Social and Political Sciences, University of Indonesia, who have broad experience in the field of research, and they are respectively responsible for each research locations. The names of the interviewers and their respective research locations are:

No.	Name of Interviewer	Province	Resort Police Unit
1.	Drs. Thomas Sunaryo MSi	North Sumatera	Tanjung Morawa
2	Igrak Sulhin, S.Sos.	Banten	Kab. Tangerang
3	Yogo Tri Hendiarto	Jakarta	Jakarta Timur
4	Fikri Somyadewi, S.Sos.	West Java	Kab. Bandung
5	Dra. Mamik Sri Supadmi	Central Java	Kab. Kudus
6	Drs. M. Kemal Dermawan,Msi	East Java	Kab. Sidoarjo

Research Implementation

In its implementation, the research is designed to answer a research problem which was thus described into research questions. The first research question was: “How does Polri, as an organisation understands basic principles and rights at the workplace in the relations between labour and employers?” was answered through a of middle officers from 6 selected Resort Police units. The data or information on the understanding of basic rights in working relationship obtained through interviews by interviewers who were briefed on the written questions in the questionnaire. The questions asked are the overview of basic principles and rights at the workplace from the point of views of workers stipulated in a number of ILO Conventions, or questions related to formal roles mandated by Labour Law to Polri in handling labour disputes.

The second research question is: “How does the law applied in Indonesia grant authority to POLRI in maintaining order and enforcing the law in the events of industrial disputes?” was researched through grammatical interpretation methods of the Law Number 2 year 2002 on the Indonesian National Police and Law Number 13 Year 2003 on Labour, and other laws from ratified ILO Conventions.

The third research question is: “How is the institutional capacity of POLRi in maintaining and up holding the law in the events of industrial disputes?” which was researched by carrying out a survey of Polri middle officers sharing their experience in handling industrial disputes cases, researching operational and technical working guides of Polri, Polri’s educational curriculum at various educations within Polri, apart from analyzing researches on Polri’s role in handling industrial disputes cases.

Data Analysis.

Both quantitative and qualitative data acquired in the research are processed with SPSS program. Data on the institutional capacity of Polri in understanding basic principles and rights and the work plan in terms of working relations between workers and employers is analysed based on level of resemblance of Polri Headquarter’s middle officers in responding to the questions in the questionnaire especially in relation to comprehension of ILO Conventions. The data are presented in the forms of frequency tables in accordance to their issue categories. Furthermore the data are confirmed by the availability of operational and

technical working guide books from Polri, and Polri's educational curriculum; whether there are suitability in supporting Polri's institutional capacity in handling industrial disputes.

The authority granted by law to Polri to handle industrial disputes cases is analysed grammatically upon articles within Law Number 2 year 2002 on the Indonesian National Police and Law Number 13 Year 2003 on Labour. The quotes from the articles will be presented to illustrate how the questioned law is formulated.

Polri's capacity in upholding the law in the events of industrial disputes is analysed based on the experience of respondents, Polri's middle officers who have handled labour disputes cases, results of relevant researches, availability of technical and operational guide in handling labour disputes, the presence of relevant curriculum which are evaluated based on the extent of appropriateness of legal authorities granted to Polri.

Validity of Research

Externally, the validity of the research, in terms of its population representation by sets of samples can be said adequate. This is due to the fact that researching capacity of an organisation such as Polri by carrying out a survey involving the resort police unit, and whereby the respondents are officers, tend to obtain uniform answers. However the information obtained from respondents may not truly reflect the real organisational capacity. The uniform answers are influenced by the tradition of command emphasizing on uniformity. This is an identity of Polri which was partly formed when it was a part of the armed forces. Hence in order to acquire a more natural overview of the true organisational capacity of Polri, other approaches are required to ensure the validity of the research, i.e. case study methods placing the Resort Police as a case study, through a participatory observation. However, due to limited time given to the researches, only the surveys were carried out.

Nevertheless, as a preliminary study, the results of the research will be used as a foundation to formulate policies pertaining police training in handling cases of labour disputes, considering various aspects required to design a comprehensive plan; all are represented by various data sources.

Even though the research is carried out through the cooperation of Polri and the Ministry of Manpower and Transmigration as a relevant body with regards to the subjects of this research, it does not mean that gathering data became any easier. The constraint

encountered when gathering data at the Resort Police level is that the officers aimed at being respondents are away. Whereas since the issue of labour based on the Regional Autonomy law becomes an authority of regional governments, the Ministry of Manpower and Transmigration was unable to recommend data gathering in the regions. In the regions where the research is taking place, organisational structure authorised to handle the issue of labour varies, thus administration (in replace of permit) matters to carry out the research required personal approaches in order to gather data in accordance to the timeline. The constraint of time available for the research i.e. 1 month after the signing of the working agreement is a short time. The condition will of course affect the quality of the research.

CHAPTER III
RESEARCH FINDINGS

- 1. Knowledge and understanding of respondents i.e. police personnel on basic principles and rights at the working place.**
 - a. Knowledge and understanding of respondents i.e. police personnel on ILO Convention No. 87 on freedom of association and protection of rights to participate in organisations.**

In general, respondents are aware that both labour and employers have the rights to associate (87% and 82.6% concurred), even though the Indonesian military and police's rights to associate is not perceived as their rights (91.3% did not agree). This is apparent in Table 1 below resulted from the question of whether workers and employers have the rights to establish organisations among themselves.

Table 1
Knowledge on the rights to associate (n = 23)

TYPES OF RIGHTS	KNOWLEDGE			TOTAL
	allowed	prohibited	Don't know	
Rights of workers to associate	20 (87%)	2 (8.7%)	1 (4.3%)	23 (100%)
Rights of employers to establish organisations	19 (82.6%)	4 (17.4%)	-	23 (100%)
Rights of the police and the Indonesian military to associate	2 (8.7%)	21 (91.3%)	-	23 (100%)

With regards to the protection of rights to associate based on the question of whether the government can interfere in the formulation of the organisations' ordinance/bylaws 69.6% respondents stated that the government should not; however 78.3% respondents believed that the government may disband the groups; and in relation to employers and unions relations, 78.3 % respondents believed that companies have no right to prohibit the establishment of labour unions, 69.6% respondents stated that dismissal should not be arbitrarily imposed against union activists during working hours; and 78.3% respondents stated that dismissal should not be arbitrarily imposed against union activists outside of working hours. A more detailed illustration can be viewed from the following Table 2:

Table 2

Knowledge on the Protection of the Rights to Associate (n=23)

TYPES OF RIGHTS	KNOWLEDGE			TOTAL
	allowed	prohibited	Don't know	
Government interference in formulating ordinance/bylaws of labour unions and employers organisations	6 (26.1%)	16 (69.6%)	1 (4.3%)	23 (100%)
The government's right to disband labour unions/employers organisations	18 (78.3%)	5 (21.7%)	-	23 (100%)
Prohibition by employers to form labours union	4 (17.4%)	18 (78.3%)	1 (4.3%)	23 (100%)
Dismissal against union activists defending their counterparts during working hours	7 (30.4%)	16 (69.6%)	-	23 (100%)
Dismissal against union activists defending their counterparts outside working hours	4 (17.4%)	18 (78.3%)	1 (4.3%)	23 (100%)

The data reveals that respondents' knowledge are not fully in line with ILO Conventions and the Labour Law, since respondents tend to think that the government has the right to dissolve any labour union or employers association.

b. Respondents' knowledge and understanding of the ILO Convention No. 98 on Rights to Associate and Engage in Collective Agreement

The issue of labour rights to associate is illustrated by Table 1, whereby in general respondents, i.e. police personnel are aware of the rights. Whereas the rights to engage in collective agreement, majority of respondents (78.3%) are aware of the right as illustrated by the following Table 3:

Table 3

Knowledge on the Rights to Engage in Collective Agreement (n=23)

TYPES OF RIGHTS	KNOWLEDGE			TOTAL
	Present	Absent	Don't know	
Labour rights to negotiate collectively	18 (78.3%)	5 (21.7%)	-	23 (100%)

c. Police personnel’s knowledge and understanding of ILO Convention No. 29 on Forced Labour.

Respondents’ knowledge pertaining forced labour based on the ILO Convention No. 29 tend to be misappropriate since majority (60.9%) agree to forced labour. This is in line with their knowledge on the provision of compulsory military service, which is allowed by law (56%). Visually, the result is illustrated by the following Table 4.

Table 4

Respondents’ knowledge on Forced Labour (n=23)

TYPES OF PROHIBITION / AUTHORITIES	KNOWLEDGE			TOTAL
	Allowed	Prohibited	Don’t know	
The state’s authority to endorse forced labour	14 (60.9%)	9 (39.1%)	-	23 (100%)
The state’s authority to endorse compulsory military service	13 (56.%)	10 (43.5%)	-	23 (100%)

d. Respondents’ knowledge and understanding of the ILO Convention No. 105 on the Elimination of Forced Labour

Table 5

Respondents Knowledge on Prohibition of Forced Labour (n=23)

TYPES OF PROHIBITION	KNOWLEDGE			TOTAL
	Allowed	Prohibited	Don’t know	
Individual or legal entity’s authority to practice forced labour	-	23 (100%)	-	23 (100%)
The authority of the state to impose forced labour against those opposing the the state’s political and economic ideology	-	22 (95.7%)	1 (4.3%)	23 (100%)
The state’s authority to conscript its citizens under the pretext of economic development	3 (13%)	20 (87%)	-	23 (100%)
Employers’s authority to impose forced labour against undisciplined workers	3 (13%)	20 (87%)	-	23 (100%)
Employers’s authority to impose forced labour against striking workers	-	23 (100%)	-	23 (100%)

The above table 5 demonstrates the extend of police personnel’s knowledge on the prohibition of forced labour, in the form of prohibition for bureaucracy or employers to use forced labour as a disciplinary method against workers or others. Majority of respondents (87% to 100% respondents) tend to have the correct knowledge.

e. Respondents’ knowledge and understanding on ILO Convention Number 138 on minimum age of employment.

As stated in table 6, respondents’ knowledge on the minimum age of employment differed from the provision of the convention, as they stated ages higher than 15 years. Respondents tend to answer 18 years (30.4%), 17 years (26.1%), and 21 years(17.4%) .

Table 6
Respondents’ knowledge on minimum age of employment (n=23)

MINIMUM AGE	FREQUENCY	PERCENTAGE
15 YEARS	1	4.3
16 YEARS	2	8.7
17 YEARS	6	26.1
18 YEARS	7	30.4
19 YEARS	2	8.7
20 YEARS	1	4.3
21 YEARS	4	17.4
TOTAL	23	100

Table 7
Respondents’ knowledge on minimum age of employment and dangerous environment (n=23)

MINIMUM AGE	FREQUENCY	PERCENTAGE
17 YEARS	5	21.7
18 YEARS	8	34.8
19 YEARS	1	4.3
20 YEARS	3	13.0
21 YEARS	6	26.1
TOTAL	23	100

Whereas in Table 7 respondents’ opinion on the minimum age of employment in dangerous conditions tend to converge with ILO’s minimum age i.e. 18 years (34.8%) or even older (43.5%). Those who stated lower are only 21.7 %.,.

Nest on respondents' knowledge on the minimum age of employment for light works with the agreement of the government, employers, and labour union, respondents tend to state higher age than stated in the ILO Convention i.e.13 to 15 years, as illustrated in Table 8

Table 8

Respondents' knowledge on minimum age of employment for light works (n=23)

MINIMUM AGE	FREQUENCY	PERCENTAGE
16 YEARS	2	8.7
17 YEARS	7	30.4
18 YEARS	9	39.1
19 YEARS	3	13.0
21 YEARS	2	8.7
TOTAL	23	100

With regards to the work that 13 to 15 years old children are allowed to do in order to develop their skills and interest as long as their health and education are not disrupted, majority of respondents (69.6 %) rejected for any reasons, while the rest allow part time work as illustrated in Table 9.

Table 9

Respondents' opinion on the type of employment that 13-15 years old are allowed to do (n=23)

RESPONDENTS OPINION	FREQUENCY	PERCENTAGE
Part time	7	30.4
Prohibited for any reasons	16	69.6
TOTAL	23	100

Whereas respondents' opinion on hiring 14 years old for working apprenticeships as part of the education or training curriculum approved by the authority, respondents tend to agree. This is indicated by 52.2 % stated yes, and the rest (47.8 %) disapproved, a slight difference between the two as stated below in Table 10.

Table 10

Respondents' opinion in hiring children at minimum age of 14 for working apprenticeships as part of the curriculum (n=23)

RESPONDENTS OPINION	FREQUENCY	PERCENTAGE
Allowed	12	52.2
Not allowed	11	47.8
TOTAL	23	100

Respondents' opinion on minimum age of children employed in transportation or fishing boats tend to be higher than ILO requirement i.e. 15 years, as illustrated by Table 11.

Table11

Respondents' opinion on the minimum age of children employed at transportation and fishing boars (n=23)

MINIMUM AGE	FREQUENCY	PERCENTAGE
17 YEARS	4	17.4
18 YEARS	7	30.4
19 YEARS	1	4.3
20 YEARS	5	21.7
21 YEARS	5	21.7
24 YEARS	1	4.3
TOTAL	23	100

Respondents' opinion on the minimum age of children employed at underground mining differs from the ILO requirement i.e. 18 years, as illustrated in table 12.

Table12

Respondents' opinion on minimum age of children employed at underground mining (n=23)

MINIMUM AGE	FREQUENCY	PERCENTAGE
17 YEARS	3	13.0
18 YEARS	6	26.1
20 YEARS	6	26.1
21 YEARS	8	34.8
TOTAL	23	100

Data on Table 12 indicates that 13 % percent respondents stated 17 years, 26.1 % stated 18 years, 26.1 % stated 20 years and even 34.8 % stated 21 years.

f. Respondents’ knowledge and understanding of ILO Convention Number 182 on worst forms of child labour.

On the prohibition of employing children for the worst forms, all respondents agree that the practice is nor allowed, which is in line with ILO Convention Number 182, as illustrated by Table 13.

Table13

Respondents’ opinion on worst forms of child labour

WORST FORMS OF CHILD LABOUR	RESPONDENTS’ OPINION	
	ALLOWED (%)	NOT ALLOWED (%)
Slavery	-	23 (100%)
Trafficking	-	23 (100%)
Debt bondage	-	23 (100%)
Made personal slaves	-	23 (100%)
Recruited for forced labour	-	23 (100%)
Recruited for compulsory labour	-	23 (100%)
Forced into engagement in armed conflicts	-	23 (100%)
Forced into prostitution	-	23 (100%)
Made objects of pornographic materials	-	23 (100%)
Made as pornographic objects	-	23 (100%)
Engaged in the production and traffic of drugs	-	23 (100%)
Employment endangering their health, safety, and morality	-	23 (100%)

g. Respondents’ knowledge and understanding of ILO Convention Number 100 on equality in wage

Respondents’ knowledge on equality of wage for identical jobs and responsibilities between men and women did not indicate consistency. Respondents stated that there should be no discrimination, unless for jobs with high risk.

Whereas wage discrimination based on religion, race, social status and political beliefs are definitely rejected by respondents. The data can be seen at the following Table 14.

Table14

Respondents' opinion on equality of wage (n=23)

TYPES OF WAGE DISCRIMINATION	ALLOWED	NOT
Wage discrimination for identical position and responsibility based on gender	-	23 (100%)
Wage discrimination for high risk jobs based on gender	4 (17.4%)	19 (82.6%)

h. Respondents' knowledge and understanding of ILO Convention NO. 111 on Discrimination in employment and promotion.

With regards to the prohibition of discrimination in employment and promotion based on religion, race, social status, political beliefs, all respondents (100%) stated that discrimination should not take place.

2. Respondents' knowledge and understanding of procedures in settling industrial disputes

Respondents' knowledge of the mechanism of settling industrial disputes was not specifically asked, since the provision stipulated in Law Number 13 year 2003 article 136 section 2 stipulates that another law will be formed in this regard. However the problem can be identified from a number of indirect questions related to the issue, based on respondents' experience in handling industrial disputes. Table 15 indicates the types of industrial disputes handled claimed by 73.9% of respondents.

Table 15

Types of industrial disputes handled by respondents (n=23)

TYPES OF INDUSTRIAL DISPUTES	RESPONDENTS' EXPERIENCE	
	EXPERIENCED	NEVER
Employee dismissal	11 (47.8%)	12 (52.2%)
Labour strikes	12 (52.2%)	11 (47.8%)
Demands of increase in wage	9 (39.1%)	14 (60.9%)
Company closures	7 (30.4%)	16 (69.6%)

Whereas from the data obtained from employers most frequently cited in labour disputes cases indicate that they are involved in: (1) demands of wage increase, (2) employee dismissal, (3) severance payments, and (4) social security. Labour unions stated that they are most frequently engaged in the issues of: (1) dismissal, (2) severance payments, (3) social

security, (4) wage increase, (5) increase in welfare. The Ministry of Manpower stated that the major problems are: (1) dismissal and company closures, (2) minimum wage and labour strikes, (3) social security, and (4) establishment of labour unions.

In handling the above industrial disputes the actions that they undertook can be categorised into three types of actions, i.e.:

- (1) Acting as mediator in negotiations, by self involvement or inviting representatives from the unions, employers, and the Ministry of Manpower or related agencies.
- (2) Emphasizing the aspect of security and crime prevention.
- (3) Preparing the aspect of security when negotiations fail.

The propensity to resolve labour disputes by employers is by bipartite negotiations with the union. The statement was echoed by data gathered from the union or local Manpower agencies.

Meanwhile from respondents' experience in handling labour disputes, information sources on the presence of the problem come from various sources i.e. labour unions, employers, intelligence information, and other sources. However majority of information come from intelligence sources, as stated in the following table 16.

Table 16

Information sources on industrial disputes (n=23)

INFORMATION SOURCES OF DISPUTES	YES	NO
Reports from the unions	10 (43.5%)	13 (56.5%)
Reports from employers	6 (26.1%)	17 (73.9%)
Intelligence information	12 (52.2%)	11 (47.8%)
Other parties' reports	5 (21.7%)	18 (78.3%)

In handling labour disputes, according to respondents, both sides have to be protected, as illustrated by Table 17.

Table 17

Respondents' opinion on parties whose interests have to be protected in the events of disputes (n=23)

PARTIES WHOSE RIGHTS HAVE TO BE PROTECTED	YES	NO
Labour	1 (4.3%)	22 (95.7%)
Employers	1 (4.3%)	22 (95.7%)
Both sides	15 (65.2%)	8 (34.8%)

With regards to the police action when handling labour disputes, respondents believe that the police should not ignore the matter by carrying out a number of actions, which are described in Table 18.

Table 18
What the police needs to do in the events of labour disputes (n=23)

ACTIONS SHOULD BE TAKEN BY THE POLICE	YA	TIDAK
Ignore, as the matter falls beyond the police's jurisdiction	-	23 (100%)
Hand over to the Ministry of Manpower	6 (26.1%)	17 (73.9%)
Search and Investigate	8 (34.8%)	15 (65.2%)
Mediate parties in disputes	9 (39.1%)	14 (60.9%)

Not all respondents believe that the police are authorised to handle manpower related cases. Data revealed that 18 respondents (78.3%) agreed, while 5 (21.7%) disagreed. The reason behind the police's beliefs that they are authorised to handle prominent labour disputes are their correlation to criminal offences, especially by labour, while only few stated the provision in the manpower law which grants the authority to the police.

With regards to the police's authority, both employers and labour union tend to agree that the police's involvement is only necessary when criminal offences such as vandalism or anarchism took place and the police should concentrate in maintaining security. Whereas the Ministry of Manpower and its agencies stated that the police authority is necessary although it should be limited, similar to the opinions of the unions and employers.

In handling industrial disputes, there are identified barriers encountered by police personnel which could be categorised into 4 categories:

- (1) Barriers in handling masses of workers who tend to be emotional and anarchist.
- (2) Barriers in relation to personnel's capacity or Polri's scope of authority.
- (3) Barriers related to the lengthy due process of law.
- (4) Barriers related to mediation process between employers and labour unions.

With regards to the opinion of police officers upon cases of labour strikes and company closures, based on a small scoped survey upon 11 middle officers assigned at the Polri headquarters, who are accidentally chosen, it was indicated that: generally, the officers interviewed (72.7%) believed that strikes are valid when reported to the authorities, and strikes are unions' rights as long as they do not involve violence. In details the data is illustrated by Table 19. Whereas when the question was reversed into company closures

reported to the authorities, respondents' answers are similar i.e. majority (63.6%) stated that closures are rights of employers as illustrated by Table 20.

Table 19

Respondents' opinion i.e. Polri headquarters' officers on legal strikes (n=11)

Legal Strikes	YES	NO
Rights of unions	8 (72.7%)	-
A form of violence	2 (18.2%)	-
Abstain	1 (9.1%)	-

Table 20

Respondents' opinion ie Polri headquarters officers on company closures (n=11)

Opinions on company closures	Frequency	Percentage
Rights of employers	7	(63.6%)
A form of violence	2	(18.2%)
Abstain	2	(18.2%)

Majority of the Polri headquarters officers also stated that information dissemination by Polri in relation to the latest law related to industrial disputes handling by the police have never been done (72.7%), as illustrated in Table 21.

When they were asked about whether they have obtained information on ways to handle labour disputes appropriately, only 54.5% admitted that they have as stated in Table 22.

Table 21

Opinions of respondents. i.e. Polri headquarters officers on dissemination of information on the latest law and procedures to handle labour disputes by Polri (n=11)

Dissemination of latest information by Polri	Frequency	Percentage
Never	8	72.7%
Yes, Sometimes	3	27.3%

Table 22

Respondents' experience in receiving appropriate information on procedures of handling disputes (n=11)

Experience in Receiving Information	Frequency	Percentage
Never	5	45.5%
Yes, Sometimes	6	54.5%

Thus in relation to the presence of technical or operational manual in handling labour disputes, majority of respondents (81.8%) answered there are such manuals (without referring to the titles of the manuals) as illustrated in Table 23.

Table 23
Respondents' opinion on the presence of operational manual in handling industrial disputes (n=11)

The presence of operating manual	Frequency	Percentage
Present	9	81.8%
Absent	2	18.2%

Even as there are information on handling labour disputes and operational manual on the matter, majority of respondents (81.8%) stated that there should be specific trainings in handling labour disputes. The types of special training should include:

- (1) Handling labour disputes cases.
- (2) Increasing knowledge on psychology of the masses and tactics of handling skirmishes.
- (3) Negotiation techniques.
- (4) Mastery of labour laws.

3. Laws regulating the role of Polri in applying basic principles and rights at the workplace.

Law Number 13 year 2003 replacing Law Number 28 year 2000, is basically a reinforcement of ratified ILO Conventions by the government of Indonesia. Even so, Law Number 13 Year 2003 on manpower based on article 136 (2) still leaves matters in the areas of labour disputes to be further defined in another law, i.e. procedures of settling industrial disputes in cases where agreement fails to be reached between the unions and employers. However, based on the law, if violations against provisions of the ILO convention adopted in Indonesia's positive law occur, the police are authorised to enforce the law. This is mandated by Law Number 13 year 2003 on manpower on article 182 which authorises the Indonesian National Police to investigate criminal offences described in the law. The possible penalties

against violations of the law, which allows the police to take action, are stipulated in article 183 to article 189. In relation to the rights of workers to stage a strike, Law Number 13 year 2003 explicitly stated that:

- (1) “Anyone has no right to prevent workers/labour and workers/labour unions from using their right to strike as long as the strike is legal, orderly, and peaceful.”
- (2) “Anyone is prohibited from arresting and/or detaining workers/labour and union activists engaged in legal, orderly, and peaceful strikes in compliance to the prevailing laws”.

However, the rights to strike should be used in compliance to the prevailing laws i.e. based on article 137 Law 13/2003 whereby strikes should be lawful, orderly, and peaceful: according to article 138 (1) should be done as long as not violating other laws; and according to article 139 done by not disturbing public order and/or endangering other people’s safety. The obstruction to implement Law Number 13 Year 2003 is that the procedures of settling labour disputes according to article 136 will be further defined in a separate Law currently undergoing discussion. Therefore in settling labour disputes, provisions stipulated in Law Number 22 Year 1957 is still effective in providing the role to the government, and the procedures, according to Quinn are opposed by both workers and employers (Refer to Quinn, 2003: 32-36).

When related to the role of the police in maintaining security and order and enforcing the law, Law Number 2 Year on the Indonesian National Police on article 2 stated that “The police’s function as one of the state function, is to maintain security and public order, to enforce the law, provide protection, guidance and service to the people”. Since ILO Conventions are fundamentally protection of human rights related to employment, thus article 4 of Law Number 2 Year 2002 also provides conducive setting for the implementation of the ILO Conventions. In article 4 it is stipulated that: “the Indonesian National Police aim at creating domestic security encompassing the maintenance of security and public order, the enforcement and upholding of the law, the availability of protection, guidance, and public services, and the people’s sense of safety by upholding human rights”.

In order to provide guidance to the police officers at the regions ranging from those at the provincial units (POLDA), the municipal or Resort unit (POLRES), and the county or

sector unit (POLSEK) on 30 September 1998, three On Field Police Operational Management Manual were issued i.e.

- (1) On Field Police Operational Management Manual for officers at the provincial, metropolitan, regional level (POLDA, POLWIL/TABES).
- (2) On Field Police Operational Management Manual for municipal level (POLRES/TABES)
- (3) On Field Police Operational Management Manual for county/sector level (POLSEK/TA).

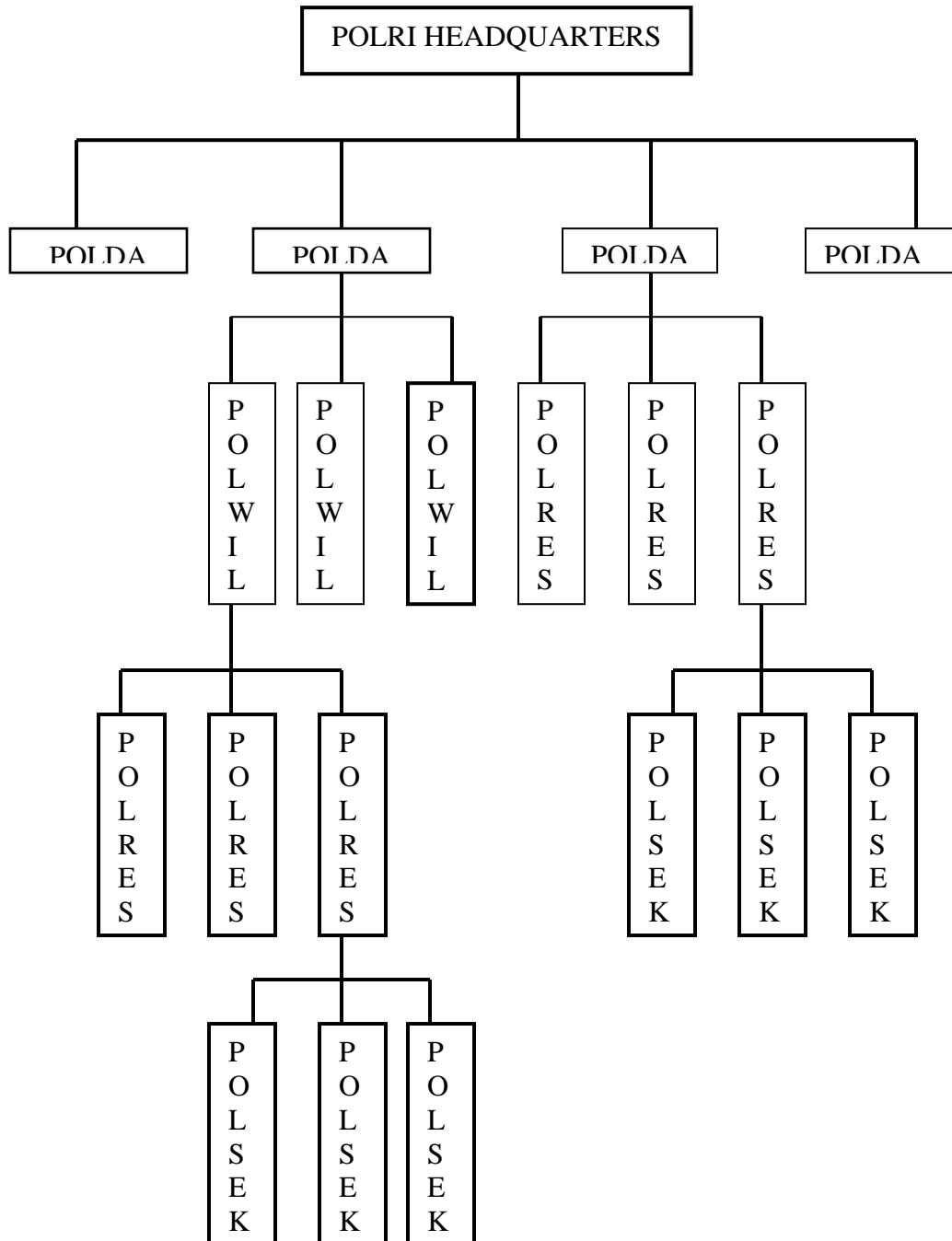
Fundamentally the structure and the content of the three books are highly similar, whereby industrial relations are described as caused by poor labour and dismissal, which are placed as “correlative factors of criminogens” interpreted as “ a situation and condition reviewed from the aspects of geography, demography, natural resources, ideology, politics, economics, social culture, and defense and security and their influence to the disturbance of order and security, particularly in the form of crime”. Hence the manual still places industrial disputes in the dimension of disturbing public order and security instead of problems related to the basic principles and rights at the workplace.

In Year 2001 Polri’s legal development institute issued the international human rights standards for law enforcers, which is a complement to previous publications on Law Number 39 Year 1999 on Human Rights and Law Number 26 Year 2000 on human rights trial, which are written based on “A compilation of International Instruments, Edition 1 (of 2 parts) of “Universal Instruments” UN Publication Number E.94.XIV.1. the compilation of the materials when disseminated to police officers and can be well digested will become significant capital in handling industrial disputes.

4. Polri’s organisational structure and its capacity in handling industrial disputes.

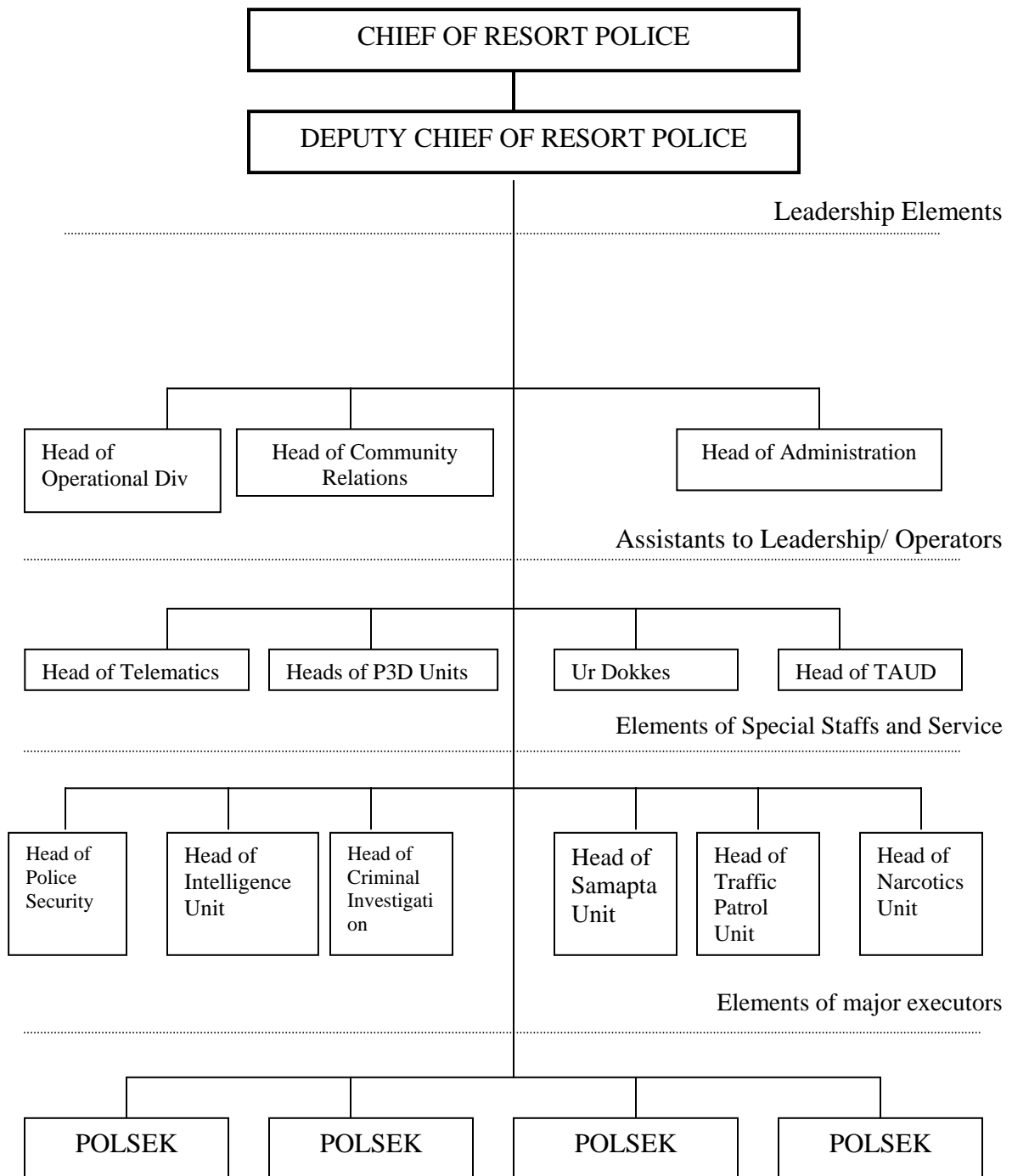
Since the Indonesian National Police is a nationwide police organisation, its organisational structure starts from the centre, called the Polri Headquartes. Every provinces have POLDA. However, some provinces do not have POLDA but POLWIL, slightly below that of POLDA. Both are responsible to coordinate the subordinate units, formed at every regency or mayoralty called POLRES.

Polwil may not be under the supervision of POLDA, for instance POLDA Metropolitan Jakarta do not have POLWIL under its supervision. Under POLRES are the lowest units of POLRI i.e. the Sector Police Units (POLSEK) responsible for subdistrict or counties. Visually the diagram of the Indonesian National Police's organisational structure based on their respective jurisdiction is the following:



Polri's organisational structure diagram based on their regional jurisdiction illustrate that the lowest level of its organisation is the Sector Police Unit (POLSEK) under the supervision of the Resort Police Unit (POLRES). Operationally POLSEK are the main operators of POLRES. In order to understand the notion, below is the POLRES' organisational structure which is the frontline of Polri's territorial fronts as illustrated below.

Diagram of POLRES' Organisational Structure



From the POLRES' organisational structure, the main executors are lead by heads of units, assisted by POLSEK whereby the crime scenes fall under their jurisdiction. The functions of the units are the following:

The intelligence unit functions as detecting "early warnings" and identifying sources of threats and disturbances to security and order, particularly crime. The police security units are responsible to conduct security within the organisation of Polri, in terms of individual security, information or threats within and outside of Polri, and securing the codes of Polri. Apart from that the unit also secures assets of national development efforts, and provides overall societal protection. (www.polri.go.id/aboutus/intel.php).

The criminal investigation unit is primarily assigned to search and find the actors of violations of law and criminal offences to be processed based on the prevailing law. Hence the unit emphasises repressive functions in enforcing the law. The unit is authorised to carry out investigation, to summon people, to search, inspect, confiscate and carry out arrests. (www.polri.go.id/aboutus/serse.php).

The samapta bhayangkara or Shabara unit is responsible to prevent crimes. Their main activities involve patrol, regulating, guarding, safeguarding, whereby their main goals are to eliminate or reduce the incidence of law breaking acts or criminal offences. The unit works 24 hours a day (www.polri.go.id/aboutus/sabhara.php).

Binamitra within POLRES' organisational structure is an element assisting the leadership/executors. The unit was previously called Community Guidance. The unit is responsible to maintain security and order at communities, create sense of safety, nurture, and provide service and guidance to the people. The kind of activities carried out to provide guidance are community patrol/policing at residential, trade, or industrial areas (www.polri.go.id/aboutus/sabhara.php).

Apart from the above territorial structure, there is a functional unit of Polri known as the Mobile Brigade (Brimob), which is responsible to carry out patrols and prevent occurrences of crime and to act against crimes. Brimob will be present at the crime scene in the events of high intensity conflicts, mass clashes, mass accidents requiring emergency assistance at areas difficult to be reached (www.polri.go.id/aboutus/brmobggn.php).

Looking at Polri's operational and organisational structure, in order to guarantee basic principles and rights at the workplace, main operational functions mainly the "Samapta

Bhayangkara Unit” (Sabhara) which main duty is to prevent crime by carrying out patrols, guards, and escorts 24 hours a day. However, in the events of skirmishes, the Sabhara unit will be assisted by the Mobile Brigade unit specially trained to handle such incidents.

However the prevention of crime done by the Sabhara unit will be more effective when supported by sound intelligence information on the possibility of violence which may accompany labour strikes. The information gathered by the intelligence unit will be useful for the Sabhara unit to be able to carry out pro active pre emptive measures, not merely waiting for an incident to occur. Furthermore in order to carry out early prevention, in order for conducive situation to be attained for both employers and labour, the role of community relations become equally important. However the role of community relations in handling industrial disputes have to dwell on the function of communicating labour laws neutrally and not siding to the interest of one party, i.e. the employers, as what happened in the past.

If crime offences as part of labour disputes occur, the investigation unit has to play their part to gather evidence and bring the case for further legal process.

5. Polri’s education curriculum.

The section will analyse the current Polri’s education curriculum to see whether the curriculum contain the police’s needs in carrying out their functions to safeguard basic principles and rights at the workplace in the events of labour disputes. As a benchmark of the curriculum and the contents of the curriculum required by Polri officers to handle labour disputes, based on our data analysis, the following materials are important to be developed:

- (1) Labour Law and Law on Procedures to Settle Labour Disputes.
- (2) Conflict Resolution.
- (3) Negotiation Techniques.
- (4) Handling Skirmishes/Riots.

Analysis upon Polri’s education curriculum is only done based on the list of subjects taught at leadership academy, PTIK, police academy, PPSS, Selapa, and Secapa since the research team did not manage to obtain a detailed data on the syllabus of each subject and the methods of teaching. However the analysis is supported by internal analysis carried out by Polri in the form of papers in a seminar of evaluating Polri’s education curriculum and the

analysis results of a working team evaluating education curriculum of Polri officers' education.

After analysing all 77 subjects taught at the Polri's Leadership Academy, there were only two subjects which could be related to professional foundations of settling labour disputes. Whereas at the PTIK (police education equivalent to university), from 43 subjects there are 10 subjects developed to provide the required professional foundation in handling labour disputes. From 46 subjects taught at Selapa (Polri officers' advanced education), there are 8 subjects to be developed. In the police academy, from 46 subjects, 4 are potentially developed. And from 60 subjects at PPSS (Orientation of Police Recruits Who Hold Bachelor Degrees) there are 4 subjects potentially developed. At Secapa (Education for Candidate of Officers) from 36 subjects there are to be developed. In details, the subjects potentially developed and the deficiencies are listed at the list of subjects presented in the following matrix.

Names of subjects to be and needs to be developed according to Polri's educational institutions

NO	EDUCATIONAL INSTITUTE	SUBJECTS TO BE DEVELOPED	REQUIRED SUBJECTS
1	LEADERSHIP ACADEMY	1. Prediction and Anticipation Methods. 2. Labour in Indonesia.	1. Human Rights 2. Negotiation Techniques. 3. Conflict Resolution. 4. Handling riots 5. Procedures of Settling Labour Disputes
2	P T I K	1. Human Rights. 2. Social Communications . 3. Social Psychology. 4. Sociology of Law 5. Sociology 6. Investigation Management. 7. Criminology 8. Community Policing Mgt 9. Intelligence Mgt 10. Sabhara Mgt	1. Labour law 2. Procedures of Settling Labour Disputes 3. Conflict Resolution. 4. Negotiation Techniques.
3	SELAPA	1. Human Rights. 2. Prediction and Anticipation Methods. 3. IPP Management 4. Sabhara Management 5. Sociologi. 6. Investigation Mgt. 7. Community Relations Mgt.	1. Labour Law 2. Procedures of Settling Labour Disputes 3. Conflict Resolution. 4. Negotiation Techniques.

		8. Criminology	
4	POLICE ACADEMY	1. Operational Techniques (Investigation, Intelligence, Community Relations) 2. Criminology. 3. Sociology. 4. Labour Law	1. Human Rights 2. Procedures of Settling Labour Disputes 3. Conflict Resolution 4. Negotiation Techniques.
5	RECRUITMENT OF OFFICERS WITH BACHELOR DEGREE	1. Negotiations 2. Human Rights 3. Criminology. 4. Social Communications	1. Law on Labour 2. Procedures of Settling Labour Disputes. 3. Conflict Resolution.
6	SECAPA	1. Human Rights. 2. Social Psychology. 3. Social Communications . 4. Sociology of Law. 5. Controlling the masses.	1. Labour Law 2. Procedures of Settling Labour Disputes 3. Conflict Resolution. 4. Negotiation Techniques.

Actually Polri has conducted self evaluation on their education curriculum both for officers and newly recruits. The evaluations are carried out by organising Seminar and Workshop to Develop Polri's Educational Curriculum from 23 – 24 October 2001 held by the Police High Institution (Perguruan Tinggi Ilmu Kepolisian) in cooperation with Partnership for Government Reform in Indonesia. In a paper presented by the deputy police chief in the field of education and training (Com.Gen. Pol. Drs. Noegroho Djajoesman), it was stated that there are 150 types of Polri's educational applied every year. The curriculum is thus more of an educational cultural transformation from the armed forces to Polri. Looking at the reality, in order to develop Polri's education curriculum, the suggested guidelines are the following:

- (1) Implementation and/or formulation of curriculum which should future close resemblance to the real world
- (2) Subjects related to police duties especially in order to develop skills and capacity are more appropriate to be taught as on job trainings compared to subjects at education institutions.
- (3) Introducing a number of skills projected as the police's challenge in the future (human rights, management, communication, local contents, and others).
- (4) Identifying and selecting/determining subjects effectively to avoid overlapping of materials of each types of education.
- (5) Learning processes oriented to the approaches of "problem solving" and "actual case study".

- (6) Education programs, vocational education of officers will be reviewed, except the investigation function which is already 'globalised' and for education programs to enhance skills are sufficient to be given in the forms of on field trainings at each units.
- (7) Formulation of curriculum oriented at the needs of duties, increasing Polri's professional skills and mobility
- (8) Developing a curriculum in line with the needs of duties, advances in technology and the level of input capacity, correlated between one education to the other and to the next higher levels of education.
- (9) In order to function as professional educations, the projected proportion of the curriculum is minimum 30 % / maximum 40 % for theories and dan 70 % / 60 % for practices (Refer to the Chief of Polri's Training Briefings, 2001: 9-13).

Whereas the Working Team of the Jakarta Police Higher Institution (Tim Kerja Perguruan Tinggi Ilmu Kepolisian Jakarta) (2001) in their curriculum evaluation of Polri officers' education concluded that the capability of graduates from each Polri education institution varies, i.e.:

- (1) Secapa graduates have sound basic policing skills, but do not have sufficient courage to act, especially against recruits at the same batch.
- (2) Police academy graduates are not ready in facing on field problems and are hesitant to react. They are also hesitant to ask their seniors.
- (3) PPSS graduates are hesitant to act and are less capable to lead subordinates.
- (4) Selapa graduates normally have leadership skills and the courage to make decisions.
- (5) PTIK graduates have leadership qualities and skills to handle problems encountered on duties.
- (6) Graduates of all education institution of Polri do not master the elements of criminal offences, they only master the theoretical surfaces thus another learning process needs to be installed to stimulate their creativity and skills which will support their assignments (Refer to PTIK Working Team 2001: page 8).

Whereas based on Focus Group Discussion by working team with graduates at the provincial police unit/ POLDA (Chief of provincial police (Kapolda), division heads (Kadit),

chiefs of municipal units (Kapolwil), and chiefs of resort units (Kapolres) , Kapolwil, dan Kapolres) concluded that :

“The curriculum needs to contain relevant materials to the duties of Polri in the community, such as human rights, social and culture, anthropology, law, psychology of masses, economics, negotiation, and information technology. . . “ (PTIK Working Team, 2001: 7).

The curriculum analysis indicates that Polri is ready to carry out fundamental changes in the education of Polri officials in accordance to the demands of their duties. Therefore, in relation to the role of Polri in ensuring basic rights and principles at the workplace, curriculum components need to incorporate labour laws and procedures of settling labour disputes.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The police personnel's knowledge on basic principles and rights at the workplace

In general, the interviewed police officers have sufficient knowledge on basic principles and rights at the workplace, except for a number of issues. Respondents understand that it is the right of the labour union to associate and it is also the right for employers to organize themselves (Table 1). In line with that respondents are aware that labour have the right to negotiate collectively (Table 3). However, when related to the rights of the police and the military, respondents do not associate them as rights (Table 1). This can be understood as within their education doctrine the police are placed as providing services for the people regardless of their self interest. Especially in a tradition of military command which has dominated the police culture for a long period, alternative organisations outside of the existing command are perceived as unnatural.

With regards to the protection of rights to associate, there is an aspect still dominating the thoughts of respondents, i.e. that the government has the right to dissolve labour organisations of employers' association (Table 2). Security approaches in maintaining public order by placing an organisation as a threat to security and order often accompany the thought.

Another issue which has not been in line with the spirit of basic principles and rights at the workplace is the minimum age of child worker both in normal or particular situation. Respondents tend to state the age above the acknowledged age in the ILO Convention (Table 6, 7, 8, 9, 10, 11, 12). This is probably influenced by the police's concentration in referring to the age in the criminal age provision i.e. on the Law on Juvenile Court, whereby children are those aged between 8 to 18 years old.

In relation to the prohibition of all forms of forced labour, respondents are absolutely aware of the fact (Table 5). However when the issue digresses to the forced labour endorsed

by the government, respondents tend to allow the practice as it is perceived similar to compulsory military service (Table 4).

In relation to the worst forms of child labour, all respondents are precisely aware that the practice are not allowed to take place since the provision is closely associated to the provisions of the criminal code (Table 13).

Differential wage treatment and promotion based on gender or race, social status, religion, or political beliefs can be understood by respondents as prohibited practices. However when the issue is related to high risk jobs, respondents tend to justify differential treatment based on gender (Table14).

In general, the respondents' knowledge on basic principles and rights at the workplace are sufficient, although it needs to be improved, especially in relation to the role of government and security approaches in maintaining social order.

Respondents' knowledge on procedures to settle industrial disputes

Respondents' comprehension on the procedures of setting industrial disputes cannot be identified even though respondents from the Polri Headquarters revealed that there are operational guides in handling labour disputes (Table 23). This is inconsistent with the claim that Polri has done little to provide updated information in relation to labour disputes (Table 21). However, when identified based on experiences in handling labour disputes, normally the approaches made were encouraging negotiation or encouraging parties engaged in conflict to make truce, apart from emphasizing the role of maintaining order and security, followed by the role of investigation and crime investigation when incidents occur in the events of industrial disputes.

Laws and Implementing guidelines to uphold basic principles and rights at the workplace

If we look at the fundamental laws, i.e. Law on Labour No.13 year 2003, or Law No. 2 year 2002, the laws are adequate to provide foundations for Polri to uphold basic principles and rights at the workplace. However, in order for Polri to be able to carry out its function as mandated by the laws, we still need to wait for the promulgation of Law on Procedures to Settle Industrial Disputes. Since it is natural for the police to work only referring to general

provisions on crime (Criminal Code and Criminal Procedural Code) thus carrying out the function of maintaining order and security in the events of industrial disputes still requires detailed, and applied, operational guidelines for officers at the frontline who directly handle the incidents. There are indeed regional operational guide books from those designed for the provincial to the county level, however the guide books have not paid specific attention to the procedures of settling industrial disputes and have even categorised labour strikes as part of disruption to security and order.

The police's organisational capacity in handling industrial disputes

Based on the analysis of Polri's organisational structure, it is conceivable that Polri, institutionally have the capacity to maintain security and order in the events of industrial disputes. The organisational capacity are apparent within the structure of Resort Police Units which major operators are located at the Sector Police Units. The operational working units playing major roles in maintaining security and order in the events of industrial disputes are *Satuan Samapta Bhayangkara (SABHARA)* unit, which in urgent situations can be assisted by the Mobile Brigade units. Even though the operational unit works 24 hours a day and is directly in touch with the community, within Polri's circle the working unit is not perceived as a prestigious unit compared to the investigation unit; which may demoralise those assigned at the unit.

Polri's organisational capacity is feared to be affected by the level of their personnel mobility, as in the mutation of officers from one area to another. In the level of officers graduated from the Police Academy or another educational institution called PPSS, it is probably the case, however, an assignment of an officer in an area will last at least for 3 years. In the level of *bintara*, mutation to another area will require even longer period, and this is a conducive environment for the major operational actors to become familiar with the fields of their members.

Polri's education curriculum

The existing Polri's education curriculum is still highly nuanced by militaristic approaches, which is perceived as a barrier to the production of Polri officers capable of applying civilian approaches in line with the needs of the people. Even so, internally, there is

an awareness that fundamental changes need to be made in the curriculum and education pattern of Polri in accordance to the actual requirements of their duties.

Recommendations

In order to enhance the knowledge and capacity of Polri officers and to increase Polri's institutional competence in enforcing law and order in the events of industrial disputes, based on this research, we recommend the following steps to be taken by Polri:

- (1) Since there is a need to increase Polri's comprehension of basic principles and rights at the workplace, thus briefings for Polri members both through official education or special sessions at the resort police units have to be carried out as a routine activity.
- (2) The curriculum of Polri's education in relation to industrial disputes have to incorporate applied approach based on case studies and simulation in the form of lecture materials, for instance in the area of negotiation, controlling the masses, conflict resolution.
- (3) There should be a priority in the function of Sabhara which will function as the operational forefront in addressing industrial disputes. Therefore working procedures and development of the professional unit has to be evaluated for the reformulation of its concrete role in line with the working needs.
- (4) Other operational functions, such as the community relations desk, intelligence services, and investigation division, their coordination have to be increased to support the function of *Sabhara*.
- (5) The assistance of the Mobile Brigade Unit outside of the Resort Police operational structure needs to be evaluated in order to provide quick assistance to the Resort Police when necessary.
- (6) In a newly developed training there should be trainers. In this regard potential trainers should be selected between first officers or middle officers assigned at the training and education institution (at the first year) of their assignment, in order for them to stay longer at the institution which means that they will be able to act as trainers in a longer period.

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APPENDIX 1

QUESTIONNAIRE FOR POLICE OFFICERS

BASELINE SURVEY ON THE UNDERSTANDING AND CAPACITY OF THE INDONESIAN NATIONAL POLICE TO IMPLEMENT FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK

Preface

This research is conducted under the banner of cooperation between the Department of Manpower and Transmigration, Indonesian National Police, and International Labour Organization (ILO) which are now constructing “Training Project for Police Officers in Upholding the Law and Keeping Order in Labour Dispute”. Your experience and knowledge as a police officer is highly needed in constructing the design of the training. Therefore, we do look forward to your cooperation to give actual information in accord with your experience and knowledge. Information you provide will be handled confidentially. Once the information is processed and included in the research report, your information will not be able to be tracked down and your answers regarding the questions that we present here will not be revealed to any parties (National Indonesian Police, Government, Entrepreneurs Organization, and Labour Organization). Thank you very much for your cooperation.

I. BIO DATA RESPONDENTS

Resort Police Area :

1. Your recent position
 - a. Head of Criminal Investigation Unit
 - b. Head of Intelligence Unit
 - c. Head of Samapta Unit
 - d. Head of Binamitra/Community Relations Unit

2. How long have you been in the position in this resort police?
 - a. 1 – 5 years.
 - b. 6 – 10 years
 - c. 11 – 15 years
 - d. more than 15 years

3. How long have you been working as a member of Indonesian National Police?
 - a. 1 – 5 years
 - b. 6 – 10 years
 - c. 11 – 15 years
 - d. more than 15 years

4. What is your formal educational background?
 - a. High school (Department:)
 - b. Diploma III/associate degree (Field of subject:)
 - c. Bachelor degree/Diploma IV (Field of subject:)
 - d. Post graduate degree/Specialist (Field of subject:)
 - e. Doctoral degree (Field of subject:)

5. What was the formal education that you wrote in your application when you applied to be a member of Indonesian National Police? (Write it down using the criteria in question number 3:)

6. What Police Official Education have you entered?
 - a. Elementary Police Education (Candidate for Ordinary Police)
 - b. Training for NCO Candidates .
 - c. Training for Commissioned Officer Candidates .
 - d. Police Academy
 - e. Perguruan Tinggi Ilmu Kepolisian
 - f. Higher Education for Commissioned Officers
 - g. Other (Please mention:)

7. What Police Vocational Trainings have you entered?
 - a. Investigation Trainings.
 - b. Intelligence and Security Trainings.
 - c. Community relations trainings
 - d. Traffic Trainings
 - e. Administration Trainings (Please mention the category:)
 - f. Others (Please mention:)

8. Please mention the fields of duty that you have been assigned in during your membership in Indonesian National Police, and please, too, mention the period of time you held the post (in years):
 - a. Investigator (..... years)
 - b. Intelligence and Security (..... years)
 - c. Patrol Service (..... years)
 - d. Community relations (..... years)
 - e. Traffic (..... years)
 - f. Administrative (..... years)
 - g. Mobile Brigade (..... years)
 - h. Others (Please mention:)

II RESPONDENT'S EXPERIENCES IN HANDLING LABOUR DISPUTES

1. During your membership in Indonesian National Police, have you ever taken a part in handling labour dispute problems?
 - a. Yes I have
 - b. No I have not

2. If you have ever taken a part in handling labour dispute problems, what cases did you handle?
 - a. Lay-off
 - b. Labour strike.
 - c. Company lock-up.
 - d. Other (Please mention)

3. In those cases that you handled, what sort of measurement did you take to deal with them?
 - a. Lay-off cases:

 - b. Labour strike cases:

 - c. Company lock-up cases:

 - d. Other

4. According to your experience in handling those labour dispute cases, from where did you get the information about emergence of the case?
 - a. Reports from the labour
 - b. Reports from the employer
 - c. Reports from others (Please mention)
 - d. As a result of further analysis from intelligence's information
 - e. Other (Please mention)

5. In your opinion, in the cases of labour dispute as you have mentioned above, whose interest did you have to protect, and for what reason:
 - a. The employer, because
 - b. Labour force, because
 - c. Both sides
 - d. Other (Please mention)

6. According to your experience and observation, among the labour dispute cases above, which one has the most occurrence?
 - a. Lay-off
 - b. Strike
 - c. Company lock-up
 - d. Other (Please mention)

7. According to your experience in handling labour dispute cases, what efforts should the Police do?
 - a. Hand the case over to the Department of Manpower office
 - b. Conduct examination and investigation process as required in Criminal Procedural Code
 - c. Work things out for peace among the disputeing parties
 - d. Let it be for it is out of Police's jurisdiction
 - e. Other (Please mention)

8. According to your experience in handling labour dispute cases, what were the impediments you faced in handling the cases:

9. According to your experience, do feel that you have sufficient and up to date trainings about the new law and government regulations?
 - a. Yes.
 - b. No.

10. If you have experiences in handling labour dispute problems, have you ever found/seen/heard of the correct method for the Police to handle industrial dispute?
 - a. Yes (Explain the method)
 - b. No.

11. Do you know about the guidelines in using violence or forced authority in handling industrial disputes?
 - a. Yes
 - b. No.

12. According to your experience in handling industrial disputes, is there any form of training that you need in order to be better in handling the problems?
 - a. Yes (Explain)
 - b. No.

13. According to your experience in handling industrial disputes, is there any form of training that is needed by the front line police in order to be better in handling the problems?
 - a. Yes (Explain)
 - b. No.

III RESPONDENT'S KNOWLEDGE ABOUT FUNDAMENTAL PRINCIPLES AND RIGHTS IN WORKPLACE

1. Do you think that the Police has the authority to handle cases that are connected to the Law of Manpower (Labour), and for what reason?
 - c. Yes, because
 - d. No, because
 - e. I do not know, because

2. Do you think that the government is allowed to impose rules on forced labour on its citizens?
 - a. Yes, it is, because
 - b. No, it is not, because
 - c. I do not know

3. Do you think that the government is allowed to impose rules on obligatory military service on its citizens?
 - a. Yes, it is, because
 - b. No, it is not, because
 - c. I do not know.

4. Do you think that a person or a legal body can employ someone by force?
 - a. Yes, it can, because
 - b. No, it can not, because
 - c. I do not know.

5. If you think that a person or a legal body employ *can not* someone by force, does the Police have the authority to conduct examination and investigation against the person or legal body?
 - a. Yes, it does because
 - b. No, because
 - c. I do not know.

6. Do you think that the government is allowed to make a regulation which imposes forced labour as a punishment against a person whose action is against the country's political and economical ideology?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

7. Do you think that the government has the right to mobilize its work force citizens by force for the purpose of the country's economical development?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

8. If a government officer or a private organization's employee acts in an undisciplined way when she or he perform her or his duty, do you think that her or his direct superior is entitled to impose forced work on the lower employee so that she or he will be more disciplined?
 - a. Yes, because
 - b. No, because
 - c. I do not know

9. Do you think that an employer can impose forced work as a punishment against the labour who got involved in a strike?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

10. Do you think that the workers or labour can establish a union in their own circle?
 - a. Yes, because
 - b. No, because . . .
 - c. I do not know.

11. Do you think that the employers can establish an organization in their own circle?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

12. If workers/labour and employers can establish an organization in their own circle, does the government have the right to intervene in the construction of ordinance/bylaws and in the formation of the board of executives?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

13. Does the government have the right to dissolve a workers/labour organization or an employers organization?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

14. Can members of Indonesian National Police or the Armed Forces establish a "union" that is not incorporated in the official organizational structure of command?
 - a. Yes, because
 - b. No, because
 - c. I do not know.

15. Do you think that a company has the right to forbid the establishment of a union among its employee or workers?
 - a. Yes, because

- b. No, because
 - c. I do not know.
16. Do you think that a company that allows the establishment of a union in its area has the right to cut off a work relation with a member of the union who is active in supporting the interest of the union's members and stand against the company in work hours (by the company's permission)?
- a. Yes, because
 - b. No, because
 - c. I do not know.
17. As in question number 16, but what if the activity is conducted outside work hours?
- a. Yes, because
 - b. No, because
 - c. I do not know
18. In your opinion, since there are disputes between employers and workers (union), is there a government regulation that collectively regulates them all?
- a. Yes, that is
 - b. I do not know.
19. In your opinion, if the labours conduct a strike which is not considered as an illegal strike by the authority, can the strike be called as violence or a legal conduct?
- a. Violence
 - b. Legal conduct
20. In your opinion, if an employer conduct a lock-up which is not considered as an illegal action by the authority, can the lock-up be considered as violence or a legal conduct?
- a. Violence.
 - b. Legal conduct.
21. In your opinion, considering *the differences between men and women*, can the differences be used as a foundation to give different wages even though both have the same position and responsibility?
- a. Yes, because
 - b. No, because
 - c. I do not know.
22. Do you think that by the existence of physical differences between men and women, an employer/entrepreneur/bureaucrat can differentiate them in acquiring chances to hold positions as persons in charge or positions with high risk?
- a. Yes, because
 - b. No, because
 - c. I do not know.

Do you think that differences in race, differences in religion, differences in social class, and differences in political beliefs can be used as a foundation to treat people differently in giving jobs or positions?

- a. Yes, because
- b. No, because
- c. I do not know

23. According to your knowledge, what is the minimum age for children to be employed? (Circle the intended age)

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

24. If the work environment is hazardous for children's safety, what is the minimum age required for children to be employed?

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

25. If there is a settlement between the government, entrepreneurs, and the unions about compulsory requirements to protect the health, safety, and morality of children and to give education and vocational trainings, what is the minimum age required for children to be employed?

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

26. If a job is not considered as hazardous against children's health and does not interfere educational pursuit for children aged 13 to 15 years (Junior High School), are they allowed to be employed?

- a. Yes, full time
- b. Yes, part time
- c. No, for any reason.
- d. I do not know.

27. Do you think a school or a training institution can employ children under 14 years old in a field work or an apprenticeship and work orientation program?

- a. Yes, because
- b. No, because
- c. I do not know

28. In your opinion, what is the minimum age for a child to be employed as a seaman in a transport ship or a fisherman ship?

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

29. Do you think that children can be employed in an underground mining?

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21

30. In your opinion, can these jobs be given to children (under 18 years old):

- a. To be a slave:
it can[]; it can not []; I do not know []
- b. To be sold:

- it can []; it can not []; I do not know []
- c. Debt bondage (to pay debts):
 - it can []; it can not []; I do not know []
- d. To be a servant (sort of household maids):
 - it can []; it can not []; I do not know []
- e. To be in a forced work:
 - it can []; it can not []; I do not know []
- f. To be in an obligatory work :
 - it can []; it can not []; I do not know []
- g. To be involved in an armed dispute:
 - it can []; it can not []; I do not know []
- h. To be a prostitute:
 - it can []; it can not []; I do not know []
- i. To be a pornography object:
 - it can []; it can not []; I do not know []
- j. To be involved in a pornography show:
 - it can []; it can not []; I do not know []
- k. To be involved in production and circulation of narcotics:
 - it can []; it can not []; I do not know []
- l. To be employed in an environment that is hazardous to children's health and morality:
 - it can []; it can not []; I do not know []

31. If you find or see a child under 18 years old being employed just like in the description in question number 29 a until l, what action will you take:
- a. Conduct an examination and a investigation
 - b. Hand over the problem to Manpower Department
 - c. Let it be
 - d. Other (Please mention)
32. Are you used to conducting enlightenment about fundamental principles and rights at work to the public?
- a. Yes (sometimes)
 - b. Yes (seldom)
 - c. Never.
33. Do you think that socialization and trainings on fundamental principles and rights to work toward the people is needed?
- a. Yes.
 - b. No.

APPENDIX 2

QUESTIONNAIRE FOR OFFICIALS IN DEPARTMENT OF MANPOWER AND TRANSMIGRATION

Preface

This research is conducted under the banner of cooperation between the Department of Manpower and Transmigration, Indonesian National Police, and International Labour Organization (ILO) which are now constructing “Training Project for Police Officers in Upholding the Law and Maintaining Order in Labour Disputes”. Your experience and knowledge as an official in manpower is highly needed in constructing the design of the training. Therefore, we do look forward to your cooperation to give actual information in accord with your experience and knowledge. Information you provide will be handled confidentially. Once the information is processed and included in the research report, your information will not be able to be tracked down. Thank you very much for your cooperation.

I. RESPONDENT’S PERSONAL DATA

1. Name of your Manpower and Transmigration Department official:
2. Respondent’s position:
3. Length of time this position has been held:
 - a. 1 – 5 years
 - b. 6 – 10 years
 - c. 11 – 15 years
 - d. 16 – 20 years
 - e. more than 20 years

II. GENERAL INFORMATION ABOUT LABOUR

1. According to this office’s record, how many companies are operating in the region where this agency has the authority upon? (Write down the number):
2. Please mention any business sectors that are mostly employed in this region (Name the sectors, for example farming, mining, cigarette industry, chemical industry, metal industry, textile industry, etc.):
3. According to this office’s record, how many workers or employees are working in the sectors that are mentioned in question number two? (Write down the number):
4. According to this office’s record, too, how many employers’ organizations are there in this region? (Name the organizations, for example the Chamber of Commerce, Workers Agency Association, etc):
5. According to this office’s record, too, how many workers’ organizations (unions) are registered in this region? (Name the organizations):

6. According to this office's record, what are the kinds of labour problems that arise in this region:
 - a. Lay off
 - b. Labour strike
 - c. Problems about minimum wages
 - d. Problems about locked up factories
 - e. Problems about social security
 - f. Others (Explain the details):

7. According to this office's record, how are the resolutions for aforementioned labour disputess be conducted:
 - a. By conducting a bipartite negotiation
 - b. By conducting a tripartite negotiation
 - c. By having a settlement in the civil court
 - d. By having a settlement in the criminal court
 - e. Others (Please mention):

8. According to this office's record, which parties are involved in solving the problem of labour disputes as mentioned above:
 - a. Employers Association
 - b. Workers' Union
 - c. Manpower and Transmigration Department Office
 - d. The Police
 - e. The Armed Forces
 - f. Provincial or Municipal Assemblies
 - g. NGO (Please mention):
 - h. Others (Please mention):

9. In your opinion, which side tends to be the right one in the labour disputes:
 - a. The employer
 - b. The labour
 - c. All of them are right
 - d. All of them are wrong
 - e. I do not know

10. In your opinion, if there is a criminal violation against the Law on Manpower, does the Police have the authority to conduct examination and investigation?
 - a. Yes, because
 - b. No, because
 - c. I do not know

11. In your opinion, if the Police are involved in resolving industrial disputess, do you get comprehensive information from the Police about their involvement and the situation of the disputes?
 - a. Yes.

b. No

12. As a government instrument, does this office perform an intervention in any industrial disputes?

a. Yes (Because

b. No.

Appendix 3

QUESTIONNAIRE FOR EMPLOYERS ORGANIZATIONS

Preface

This research is conducted under the banner of cooperation among the Department of Manpower and Transmigration, Indonesian National Police, and International Labour Organization (ILO) in order to gain the descriptive information about the pattern of industrial disputes' resolutions that have worked in this region. Your information is highly needed in order to be able to handle the problems better. Information you provide will be handled confidentially. Once the information is processed and included in the research report, your information will not be able to be tracked down. Thank you very much for your cooperation.

1. Name of the organization:
2. In your opinion, how is the rate of labour disputes problems that happen between the employers and the labour in this region:
 - a. Under 5 cases per year
 - b. Between 6 – 10 cases per year
 - c. Between 11 – 15 cases per year
 - d. More than 16 cases per year
3. What was the demand from the labour side in the disputes:
 - a. Demand to increase the wage to match the minimum wage rate in the Municipality
 - b. Demand to increase the wage to exceed the minimum wage rate in the Municipality
 - c. Problems of lay off
 - d. Problems of social security
 - e. Problems of establishing workers' union
 - f. Problems of separation payment
 - g. Others (Please mention):
4. In your opinion, how was the demand of the labour?
 - a. The demand was not proper (irrational)
 - b. The demand was not proper even though it is normative
 - c. The demand was proper and normative
 - d. The demand was engineered by a third party
 - e. Others (Please mention):
5. In resolving the labour disputes, how did the pattern of resolution tend to be?
 - a. A bipartite negotiation with the Workers' Union
 - b. A bipartite negotiation with the representatives of the labour
 - c. A tripartite negotiation
 - d. An arrangement in the civil court
 - e. A case for the Police
 - f. Others (Please mention):

6. Has your organization ever asked the Police to get involved in resolving industrial disputes you experienced?
 - a. Yes (Explain how and how often
 - b. Never

7. Do you think that police involvement is effective in resolving industrial disputes?
 - a. Yes.
 - b. No (Explain the reason

8. Do you think that your organization always get sufficient and up-to-date information about government regulations in effect, procedures, especially about the role of the Police in resolving industrial disputes?
 - a. Yes.
 - b. No.

9. In your opinion, what sort of role that you expect from the Police in resolving industrial disputes? Explain

Appendix 4

QUESTIONNAIRE FOR WORKERS' UNIONS

Preface

This research is conducted under the banner of cooperation between the Department of Manpower and Transmigration, Indonesian National Police, and International Labour Organization (ILO) in order to gain the descriptive information about the pattern of industrial disputes resolutions that have worked in this region. Your information is highly needed in order to be able to handle the problems better. Information you provide will be handled confidentially. Once the information is processed and included in the research report, your information will not be able to be tracked down. Therefore, we are hoping that you will participate openly. Thank you very much for your cooperation.

1. Name labour organization:
2. According to your knowledge, how many workers' unions have been established in this region? (Please mention in details)
3. According to your experience, is establishing workers' union in this area can be done in a smooth and unhindered way?
 - a. Yes.
 - b. No
 - c. I do not know
4. If there are impediments in establishing a workers' union, what sort of impediments that are confronted? (Please mention in details):
5. How many people are the members of workers' union in this organization? (Please write down the number):
6. Do you think that the work relationship between the employers and the labour or workers' union in this region suits the regulations in effect?
 - a. Far from satisfying, because
 - b. Quite satisfying, because
 - c. Satisfying, because
7. In your opinion, how is the intensity of labour disputess that happen between the workers' union and the employer in this region?
 - a. Under 5 cases per year
 - b. Between 6 – 10 cases per year
 - c. Between 11 – 15 cases per year
 - d. More than 16 cases per year

8. What was the demand of the labour in the disputes?
 - a. Demand to increase the wage to match the minimum wage rate in the Municipality
 - b. Demand to increase the wage to exceed the minimum wage rate in the Municipality
 - c. Problems of lay off
 - d. Problems of social security
 - e. Problems of establishing workers' union
 - f. Problems of separation payment
 - g. Others (Please mention):

8. In your opinion, how was the response of the employer upon the demand?
 - a. Did not accept
 - b. Negligent
 - c. Accept the demand
 - d. Others (Please mention):

9. In resolving the labour disputes, how was the trend of resolutions that were accepted by the employers?
 - a. Conducting a bipartite negotiation
 - b. Conducting a tripartite negotiation
 - c. Having an arrangement in the civil court
 - d. Having an arrangement in the criminal court
 - e. Others (Please mention):

10. In resolving the labour disputes, which parties are involved in it?
 - a. Representatives of the labour elected by the employer
 - b. Representatives of the labour elected by the labour
 - c. Representatives of the workers' union
 - d. Employers' association
 - e. The respective employer
 - f. Office holder from Manpower and Transmigration Department Office
 - g. Police officers
 - h. Army officers
 - i. Provincial or Municipal Assemblies
 - j. Others (Please mention):

11. Is there anything else you would like to add which is related to industrial relationship between employers and employees in this region?

12. Has your organization ever asked the Police to get involved in resolving industrial disputes you experienced?
 - a. Yes (Explain how and how often)
 - b. Never

13. Do you think that police involvement is effective in resolving industrial disputes?

- a. Yes.
- b. No (Explain the reason

14. Do you think that your organization always get sufficient and up-to-date information about government regulations in effect, procedures, especially about the role of the Police in resolving industrial disputess?

- a. Yes.
- b. No.

15. In your opinion, what sort of role that you expect from the Police in resolving industrial disputess? Explain.