

## Peran DPR RI pada proses pembahasan RUU pembinaan dan perlindungan ketenagakerjaan: sebuah analisa kebijakan = Role of the house representatives on the deleberation process of bill concerning lanour: an analysis of policy making

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### Abstrak

Pokok permasalahan tesis ini adalah untuk menjawab pertanyaan "Bagaimana Pansus Rancangan Undang-Undang Pembinaan dan Perlindungan Ketenagakerjaan (RUU PPK) bersama Pemerintah" melakukan kebijakannya dalam Proses Pembahasan RUU PPK yang kemudian menjadi UU Ketenagakerjaan No. 13 Tahun 2003. Proses ini sangat penting, karena Serikat Pekerja telah menolak pemberlakuan UU No. 25 Tahun 1997 yang dianggap tidak berpihak pada Buruh. Proses pembahasan yang diwarnai dengan berbagai masukan dari kelompok-kelompok kepentingan, buruh/serikat pekerja, LSM, pengusaha, dan juga pemerintah.

Tesis ini menggunakan Metode Kualitatif-Explanatif kritis, karena ingin menjawab pertanyaan bagaimana Pansus RUU PPK dalam merumuskan kebijakannya yang diharapkan dapat menggantikan UU No.25 Tahun 1997. Pokok permasalahan ini dijelaskan secara eksplanatif dan komprehensif lewat penelusuran literatur-literatur dan melakukan wawancara dengan beberapa key informant. Sumber ini kemudian dianalisis dan dikaitkan dengan teori-teori yang dipergunakan.

Dalam meneliti permasalahan ini menggunakan pendekatan yang diuraikan oleh Burhan Magenda mengenai "Keadilan Sosial dan Kebudayaan Politik." Baik "Kebudayaan Politik" dari Almond maupun aliran "Fungsionalisme Strukturai" dari TaIcott Parsons yang merujuk pada Prinsip Keadilan Sosial. Selain itu Teori "Konflik dan Konsensus" dari Maurice Duverger yang melihat bagaimana konflik itu terjadi dan pemerintah berusaha memberi konsensus atas konflik yang ada. Teori ini memperlihatkan betapa pentingnya bargaining atas konflik yang terjadi. Teori lain yang menjadi pilihan penulis adalah "Kebijakan Publik dan Koreksi Masyarakat" yang diuraikan oleh Thomas R. Dye, William N Dunn dan Parker. Dalam teori ini dijelaskan bahwa DPR RI bersama Pemerintah memiliki wibawa untuk mengambil kebijakan, tetapi sekaligus memperoleh koreksi dari kelompok-kelompok kepentingan sebagaimana yang terdapat dalam Teori Demokratisasi.

Dari seluruh penelusuran ini diperoleh kesimpulan bahwa Anggota DPR RI bersandar pada kepentingan bangsa yang lebih luas dengan tetap memperhatikan tuntutan buruh dan juga harapan pengusaha. Oleh karenanya di sini DPR RI bersama Pemerintah diperhadapkan pada dua pilihan yang sangat kompleks serta memerlukan kehati-hatian, karena harus mengakomodir dua kepentingan sekaligus, tetapi di sisi lain juga harus memperhatikan kepentingan pengusaha demi stabilitas ekonomi nasional dan kenyamanan para investor yang akan menanamkan modalnya di Indonesia. Dua daya tarik menarik kepentingan ini sangat mempengaruhi DPR RI di dalam merumuskan kebijakannya ke dalam UU Ketenagakerjaan No. 13 Tahun 2003.

The nucleus of the research is to answer the question on how the House of Representatives of the Republic of Indonesia and the Government adopted their policy in the process of deliberation of Bill concerning Labor which, then was adopted as Law N° 13/2003 concerning Labor. The process of making policy on the Bill was significant because the Bill initiated by the Government was hindered by various labor unions that have rejected the implementation of Law No. 25/1997 on Labor. The new Law was refused because it was considered to take sides of the entrepreneurs and to inflict a loss upon the labors. The deliberation process of the Bill was embellished by protests and demonstrations conducted by some labors and non-governmental organizations. The entrepreneurs and the Legal Assistance Agencies also expressed their aspirations. The research applied critical explanative-qualitative method. It is qualitative because it aims at answering the question of "how the members of Parliament behaved in the policy making of Bill which was expected to replace the old Law". The subject was analyzed by an explanative approach. A comprehensive subject was taken by conducting research on the available literature and interview with several key informants, such as Mr. Tjarda Muchtar (PD1P Faction, Chief of Special.

Committee on the Bill concerning Labor), Mr. KH Ahmad M. Mahfud (Golkar Faction), Ms Rochmulyati and Mr. Rekso Ageng Herman (PKB Faction) who headed a Small Team responsible for channeling the labor unions and the entrepreneurs. This Team acted as a Reconciliation Team. All of the data were analyzed critically and were related to the theories applicant

In analyzing the subject, the research utilized the approach of "Social justice and Political Culture" by Burhan Magenda. Both "Culture of Politic" by Almond and "Structural functionalism" by Talcott Parson refer to social justice. The "Conflict and Consensus" theory by Maurice Duverger was also used to analyze the conflict existing between labor and entrepreneurs. The House of Representatives and the Government tried to achieve a consensus to solve the conflict. The theory emphasizes on the importance of lobbying/bargaining between parties who are involved in conflict before they arrived at a consensus.

Other theory used in the research was "Public policy and Community Opinion" by Thomas R. Dye, William N Dunn and Parker. The theory explains that the government has the authority to make a policy, and the policy receives correction from the society because it is related to the people's life. The theory explains how bargaining of labor has critically involved in the analysis of the policy.

Based on the analysis mentioned above, it is concluded that the Government, in its involvement on policymaking, lies on wide perspective of national interest by considering the demands of labor. It is clear that the Government should meet two difficult choices: in one side, it should accommodate the interest of labor, in other side; it should consider national investment and economic interest amidst the unstable economic situation. By taking account the minimal interest of labor and giving better protection to labor, the Government should consider comfortable situation that the investors need to invest their capital in Indonesia. The two contracting interests affected heavily the House of Representative in the policy making of the Law No.13/2003 concerning Labor.