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Evaluating The Use of Paralegal Approach in Policy Advocacy

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Abstract

The purpose of this paper is to explore the approach adopted by workers' organizations in Surakarta city to use paralegal services in an effort to change the formula used in calculating minimum wage in government regulation No. 78 / 2015. Data were collected using interview and documentation techniques. Data obtained in the field were analyzed using qualitative methods, that by understanding meaning of the phenomenon and making theoretical interpretation. Results of the research showed that advocacy to reject the formula used in calculating the minimum wage based on government regulation No.78/2015 using several ways that included influencing policy implementation, managing public opinion and creating space for a movement that opposes the policy. The study shows that workers who were strongly opposed to government regulation No.78/2015, used various policy advocacy channels to press their case, that included attempt to influence the implementation of the regulation, influence public opinion of the adverse impact of the regulation on worker wellbeing, and portraying the poor condition of workers' welfare that requires government through actions that support higher wages rather than efforts that reduce their future incomes.

Keywords: *advocacy, paralegal lane, policy change, remuneration*

INTRODUCTION

On October 23, 2015, President Joko Widodo signed government regulation No.78/2015 on workers' remuneration, primarily with the goal of enabling workers to earn decent wages for their labor. Decent income refers to the level of wages workers earn out of their labor that is sufficient to meet the needs of workers and their families. Nonetheless, the implementation of the regulation has met strong opposition from workers and employees since it came into force. The main stick point lies in the formula on calculating minimum wage which is stipulated in article 43, section 1 of the regulation. The article states that "determination of the minimum wage is done every year and is based on cost of decent living needs and takes into account economic productivity and growth." In addition, the article 44, section 2, of the regulation, states that the calculation of the level of minimum wage is based on a formula that includes the current level of minimum wage to which the sum of a product of level of minimum wage, national inflation average and GDP growth rate for the current year. The reaction to the regulation has come from various cities in Indonesia, including demonstrations in Jakarta on October 28, 2015, which were steered by various workers' organizations under the umbrella of the United People's Committee, which has begun its protest at the Ministry of Manpower and Transmigration headquarters (Kemenakertrans) which served as the launching pad for nationwide demonstrations. After staging demonstrations at the Ministry of Manpower and transmigration headquarters, the United People's committee protests continued their action in front of the Supreme Court premises, and proceeded to the presidential palace (Istana), where demonstration (bantuanhukum.or.id, Thursday October 29, 2015). On Thursday November 19, 2015, similar worker demonstrations that involved hundreds of workers were staged in Surakarta city, with Bundaran Gladak, Slamet Riyadi Street, Solo, serving as the center of the action. The main theme

of the demonstrations was the rejection of government regulation No. 78 /2015 on workers' wages, which protestors decried for being unfair to their interests, hence demanding the government to rescind it as the basis of workers' wage determination. The opposition of workers to regulation No.78 /2015 is principally based on the logic that the regulation eliminates the function and role of trade unions in setting minimum wages workers earn for their labor. Moreover, then regulation also harms the interest of works in another way which is that its application means slight increase in annual wage workers earn every year (daerah.sindonews.com, Thursday, November 19, 2015).

Several researches on policy advocacy have been carried out by researchers both at national and international level, for examples policy advocacy research conducted by (Mudhoffir, 2011) which discusses advisory efforts by an NGO in the case of mudflow in Sidoarjo, the second journal is journals written by (Simamora, 2017) which in the discussion of the article in brief is analyzing Change.org Indonesia's online petition as a policy advocacy tool for the period 2015-2016 using the concept of the nature, form, function, activity or tactic of message delivery, and also the evaluative concept. In addition, the authors found another article that is still discussing about policy advocacy in the national scope of the article written by (Sabirin, 2013) which discusses advocacy against Different Abilities People community of street children and street adolescents to get their rights. The last article from (Firmansyah, 2010) which discusses the development of a network of policy advocacy in support of anti-corruption movement in the region. Meanwhile, the international journals the author discovers are related to policy advocacy written by (Gen, 2013) which in the journal discusses about synthesizing practitioners and academic literature on policy advocacy and proposing a policy conceptual framework for policy input advocacy, activities and outcomes, and this jour-

nal discusses the importance of the framework to provide guidance for organizations to strategically engage the policy process.

Meanwhile research on laborers and workers in the aspects of their welfare is already widely practiced by researchers on a national scale as an example is a journal (Afrindo,2014), where in the journal only discusses the steps taken by the unlawful Indonesian Migrant Workers Union (SBMI) to advocate against migrant workers in settling labor disputes in unpaid wage aspects, while other journals discussing the wage policy advocacy are the journals of (Musdah,2013) which in the journal discuss the trade union and labor strategy of Sleman Regency in determining minimum wage in Sleman District.

The existing journals have indeed discussed much about labor policy advocacy in terms of wages, but in this journal the author offers the novelty side of Time and Writing as it discusses the latest wage labor policy advocacy after the enactment of Government Regulation No. 78 of 2015 on Wages. Based on the description that has been described above this article try to explore the paralegal path approach taken by labor organizations and workers in Surakarta City so that the policy of Government Regulation Number 78 Year 2015 About Remuneration is not used by local government as a reference in calculating Minimum Wage of City in Surakarta City.

Public Policy

Thomas R. Dye (2011) defines public policy as “*whatever governments choose to do or not do. Public policy is what government do, why they do it, and what difference it makes*”). Meanwhile, Steven A.Peterson (2003) defines public policy as “*Government action to address some problem*”.

Advocacy Policy

Whenever a government in its capacity as the policy maker implements a policy to solve a problem in its jurisdiction, it is al-

most certain to receive mixed reaction from various stakeholders. On one hand, positive response often comes from stakeholders who consider the policy supportive of their interests, while an equally negative response often comes from stakeholders who consider the policy inimical to their interests, on the other. Those opposed to the policy, will always demand either policy reforms or rescinding of the policy. Such activities are referred to as policy advocacy. According to Young and Quinn (2002), cited by Suharto (2004) in his book titled *Edi Suharto (2014)* proposes several definitions of advocacy, especially in relation to social policy analysis. According to Suharto (2014), advocacy is:

“a process which involves political action by organized citizens with the purpose of transforming power relations. The goal of advocacy activities is to force policy change or reform in such a manner that generates benefits for the people involved in the advocacy campaign. An effective advocacy is one that is carried out with the strategic plan, which has a rational timeline”

Meanwhile, Roem Topatimasang (2016) defines advocacy as “effort to improve or change public policy to be in line with wishes or interests of those involved in the advocacy”.

Advocacy policy process

According to Roem Topatimasang (2016), policy advocacy activities follow or are carried out in such a manner that those involved in the process consider suitable to achieve their goal. In general, there are three types of policy advocacy processes and media of advocacy as follow (Figure 1) :

a. Legislation and Jurisdiction

The legislation process involves the entire process of formulating legislation bill or *legal drafting in accordance with dictates of the prevailing constitution and*

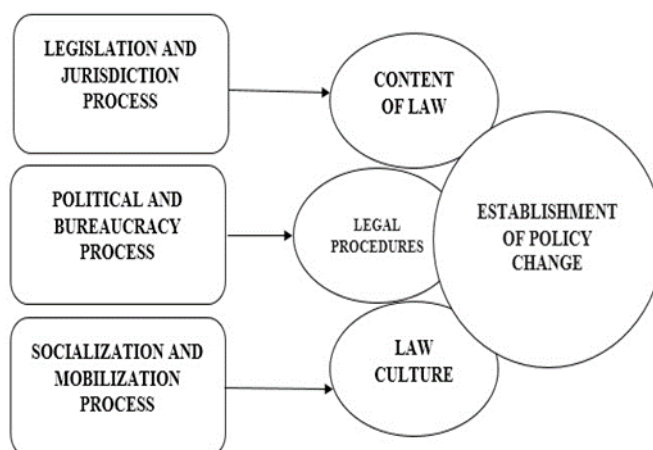


Figure 1. Policy Advocacy Processes
 Source: Roem Topatimasang, 2016

legal system right from making the proposed ideas or suggestions for the formulation of a new law or regulation, deliberations in the legislature on the proposals or demands for the new law or regulation. However, the legislative process can also mean making an initiative of proposing a counter draft legislation or testing the constitutionality of the draft legislation through a judicial review. Besides, because of the prominence of jurisprudence (the decision that a court judge makes has legal power that makes it a precedent for court decisions that are made in its wake) is also avenue that contributes to the contents of the legal system, litigation process is also included in this context.

b. Political process and Bureaucracy

This phase involves the formation and consolidation process of government organizations that are charged with implementing public policy. The most important and decisive part is the selection, recruitment, and induction of government officials who public policy implementers, at all tiers of bureaucracy. To that end, all the steps above are imbued with political and management relations processes, interests of various groups that are involved, including lobbying, mediation, negotiations, bargaining, collaborations,

and (negative connotations) even intrigues, syndicates, conspiracy, and manipulations.

c. Socialization and Mobilization Process

The process involves all forms of activities that relate to the creation of awareness and public opinion and organized people who afterwards form a certain pattern to respond to a common problem. To that end, the process is manifested in various forms of political pressure that range from galvanizing public opinion and support (conducting campaigns, general debates, seminar discussion activities, training) organizing (forming centers of people movements and constituents, education for political of cadres), to mobilizing forces (demonstrations, staging strike action, boycotts, blockades).

METHODS

This article analyzes labor wage advocacy policy endeavor conducted by several worker organizations and workers in Surakarta such as the United Indonesian Workers' Secretariat (SBSI) 1992, National workers' Union (SPN) and Union of All Indonesian Workers (SPSI). The research is a descriptive qualitative one which empha-

sizes the process and meaning, uses in depth inter views and document analysis as data collection techniques. Respondents were selected using purposive sampling technique. Triangulation technique was used to test the validity of data sources.

FINDINGS AND DISCUSSION

The problem begun with the implementation of government regulation No. 78/2015 on worker remuneration. The coming into force of the regulation, sparked off quick response from worker organizations and employees in Surakarta city who formed an alliance of workers that was accorded the name Union of Great Solo workers (Prabusora) that was aimed initially to establish common stance and voice in rejecting the regulation. The united workers' front has taken several measures, one which being policy advocacy that involved the use of paralegal channel. Policy advocacy channels used included:

Influencing the implementation of the policy

Prabusora used worker organizations to conduct policy lobbying and negotiation activities. Worker organizations and employees under the umbrella of Prabusora in Surakarta City used various ways to stem or prevent the implementation of contained in presidential regulation No. 78/2015 in Surakarta city. Policy advocacy activities begun with a meeting with the manpower office in Surakarta city which conveyed their objection to the implementation of government regulation No.78/2015 in Surakarta city. During the meeting representatives of the Prabusora tried to convince the manpower and industry office for Surakarta city to desist from using the formula on calculating annual minimum increase that is stipulated in government regulation No.78/2015. The argument workers' representatives used to support the stance was that using the formula to calculate annual increase in worker wages is detrimental to workers' interests.

Forming Public Opinion

Workers' organizations and employees in Surakarta city who are organized in Prabusora umbrella staged demonstrations that involved hundreds of participants demanding the rescinding of government regulation No 78/2015. Demonstrations were largely centered at Bundaran Gladak, Slamet Riyadi Street, Surakarta city. The regulation, according to demonstrators undermined the function of labor unions in determining minimum wages, limits the annual increase of wage to be in line with increase in inflation and GDP growth rate. The stage was used within the context of framing the policy on wage as unjust to workers' interests and welfare, whilst serving those of employers. Besides, workers who were involved in the demonstrations also tried to inform and influence public opinion by underscoring and highlighting the low state of wellbeing of workers.

Creating of basis of a movement

The Prabusora alliance conducted an awareness raising campaign of government regulation No. 78/2015 to all workers right from branch workers' council (DPC) to company workers' Union leadership (PSPP). The publicity campaign was tailored toward creating a worker movement right from grassroots to the leadership. Thus, the move was an attempt to lay the foundation for a bottom up worker movement that can become pressure group to advocate for worker related problems in Surakarta city. Besides, the action is also aimed at creating a force that will prevent employers from implementing contents of the regulation in paying worker wages.

CONCLUSION

The article is limited to exploring the paralegal channel in policy advocacy on worker remuneration as stipulated in government regulation No.78/2015 in Surakarta city. Policy advocacy approaches included influencing policy formation, forming and

influencing public opinion, and creating the foundation for a worker movement to support the cause. The issue of labor and manpower in general and workers' welfare in particular is a rich source of research on labor policy. Besides, this article provides a new research perspective with respect to time and novelty it offers to the readership.

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