

Guarantee Of Good Jobs And Health To People In The Sense Of The Welfare State Principle In Indonesia

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ABSTRACT.

Indonesia has an abundance of human capital. The supply of this plentiful population does not balance the availability of adequate job prospects. This makes the unemployment rate in Indonesia very high. This paper explains the status of citizens' rights to decent work in Law No 39 of 1999 and how the state fulfills citizens' rights to decent work in compliance with the provision of Law 39 of 1999. This research incorporates techniques of observational research for a literature approach. Data were collected from government legislation and literature applicable to this article. The findings of this study show that every resident of the Republic of Indonesia enjoys civil freedom and human rights, including the right to respectable work in compliance with Law No. 39 of 1999, in addition to state health insurance.

Keywords: guarantees, fair work; welfare state

1. INTRODUCTION

Indonesia is a nation with ample human capital because it has the 4th largest population in the world. Indonesia is a developing world with a significantly higher unemployment rate than the developed countries. This is dependent on some reasons, such that often human capital cannot be put in the right position, which would optimize the potential of their energies and thoughts. Based on statistics from the World Bank in 2013, cited by Ahmad Soleh (2017), the number of employees in Indonesia is the fourth highest in the world [1]. Internal or external influences affect more or less the number of unemployed in Indonesia. The presence of foreign workers who are free to enter and easily find employment in Indonesia has caused many concerns and complaints about the policies of the government. The definition of unemployment here is characterized as the population entering the working-age (15–65 years) who is searching for a career, planning for a company, is desperate and already has a job, but has not yet begun work [1].

The number of companies or investments that operate in Indonesia is adequate to minimize the current unemployment rate. This will consume the human capital to be used in a business, whether state-owned or private. In this situation, entrepreneurs in Indonesia, both domestic and international entrepreneurs invested in Indonesia, have played a part in supporting the Indonesian government to create job opportunities. However, as Indonesia's population growth continues to accelerate without being matched by an increase in the number of sufficient job opportunities, the number of unemployed in Indonesia continues to climb.

Because of the right of every person to a proper career, the Constitution of the Republic of Indonesia of 1945 states that "Every citizen has the right to work and a decent life for humanity"

In line with the 1945 Constitution Article 28D paragraph (2) and also regulated in Article 38 of Law Number 39 the Year 1999 concerning Human Rights, namely:

(1) Everyone has the right, according to their talents, skills, and abilities, to the right to decent work. (2) Everyone has the right to freely choose the job he likes and also has the right to conditions of employment. (3) Everyone, whether male or female who performs the same, comparable, equal or similar work, has the right to wages and terms of the same work agreement. (4) Everyone, whether male or female, in doing work that is equivalent to human dignity, is entitled to a fair wage following his achievements and can guarantee the survival of his family.

Therefore, a clear government role is needed to realize every citizen's right to get a decent job. Besides, defense, promotion, regulation, and enforcement of human rights are required as part of the duty of the State. However, the fulfillment of human rights has not yet been completely understood through its application in the region. This is because the amount of work openings is already inadequate and not proportionate to the number of job seekers in Indonesia. Among the things that hinder the increase in employment is the rigidity of labor policies in Indonesia regarding the recruitment and dismissal of workers in Indonesia. So that it has an impact on the lack of interest from investors and employers to create new businesses or increase the number of new workers. This is one of the reasons for the continued growth of the poverty rate in Indonesia, while poverty is very opposite to welfare [2].

Justice is very important to apply, provided the 5th Pancasila Principle, which states the social justice for all Indonesian citizens. This also means that any person has the right to enjoy his or her rights without prejudice or groupings affecting the rights of people.

Islamic literature in the field of political law or what is often referred to as *fiqh siyasah* / *siyasah syariyyah* is part of *muamalah fiqh* which regulates the affairs of state life which is very dynamic and also fast in its development. Interestingly, many do not realize that the *ijma* 'or agreement of the first generation of scholars, which happened in the history of the *fiqh* of the companions, is precisely in the field of *Siyasah Fiqh*, not *Fiqh of Worship* or other *fiqh*. Before the science of *fikh* and the principles of *ushul fiqh* in the second century of *hijriyah*, the *khulafa al-rashidin* and other companions understood and realized the importance of leadership and governance in Islam. However, this was applied in the real world only moments after the Prophet's death [3].

On that basis, according to Harun Nasution, political history and state administration are important studies in Islam. Because Islam is essentially the history of a country whose patterns and forms change according to the times. Dhiyauddin Rais also emphasized that the administration of the state by implementing Islamic law is an indisputable historical fact because it is the essence of Islam throughout its political history. The application of Islamic law and the preparation of all forms of regulatory systems and institutions that support them are part of preserving religion and the *ummah* and for the realization of public benefit [3].

In line with Islamic political law, which continues to evolve rapidly and dynamically, it is important to know the basic concepts developed by scholars in the field of *siyasa* so that the growth of Islamic political law does not run away from the agreed and agreed standard paths and norms in theory and application. In the concept of Islamic politics, politics is identical to *siyasa*, which linguistically means to regulate. This word is taken from the root word "*sasa-yasusu*", which means to drive, control, control, and so on. In the book *Al-Siyasah al*

Syar'iyah written by Al-Qaradhawy, it mentions two forms of siyasah meaning according to the scholars, namely the general meaning and the special meaning. In general, siyasah means the arrangement of various human affairs with the Islamic religious syariat. In particular, siyasah means policies and rules issued by the authorities to overcome an emerging mafsadat or as a solution for a certain situation. Meanwhile, according to Ahmad Fathi Bahansi as quoted by Mutiara Fahmi, defining Siyasah Syar'iyah is the regulation of human benefit based on syara [3].

Broadly speaking, in the Siyasah Fiqh, there is a section that discusses legislation called Siyasah Dusturiyyah (constitution and state administration). In a book entitled Al-siyasah al-syariyyah written by Abdul Khallaf Wahab Fiqh siyasah dusturiyah, it is the same as the constitution of a country which is used as a reference for statutory rules in enforcing the law. The principles laid down by Islam in the formulation of this constitution are the guarantee of the human rights of every member of society and the equal position of all people before the law, regardless of social stratification, wealth, education, and religion [4].

Based on the explanation above, the problem in this paper is what is the position of the rights of citizens in getting a decent job in Law No. 39/1999 and Fiqh Siyasah? How does the State fulfill the rights of citizens to get decent work following the mandate of Law 39 of 1999?

2. METHODS

This research is a text study or literature study. According to Noeng Muhadjir, text study includes: first, a theoretical study of a scientific discipline that needs to be continued empirically to obtain empirical truth as well. Second, studies that attempt to study all research objects philosophically or theoretically and are related to validity. Third, studies that attempt to study linguistic theory. Fourth, is the study of literary works. This research is closer to the first type of literature study where this study seeks to examine the concept of guaranteeing the constitutional rights of citizens to obtain decent work and health insurance from the state.

The sources and types of data used in this study were collected from the following data sources: Primary data: Primary data sources are the first source where data is generated. Primary data in this research is the Constitution of the Republic of Indonesia. Secondary Data: Data that has been previously collected and reported by people outside the investigator himself, even though the data collected is original. In other words, secondary data can be interpreted as data that the author will extract from what the author will receive indirectly.

3. RESULTS AND DISCUSSION

1. Citizens' rights in Article 38 of Law No. 39 of 1999

Every citizen is born with human rights. Human rights in question are rights that humans have since birth and must be protected. To protect human rights, based on the MPR RI Decree Number XVII / MPR / 1998 concerning Human Rights with the approval of the House of Representatives (DPR) of the Republic of Indonesia, Law Number 39 of 1999 was passed. This law contains Human Rights as a law that regulates and protects all aspects related to human rights [5].

A privilege is something that is wholly possessed by an individual, whereas the right of an individual is the right to obtain something in compliance with the regulations of the State in effect. Constitutional rights became part of the citizens' rights granted by the Constitution of the Republic of Indonesia of 1945. Constitutional rights as residents of Indonesia shall be governed by the terms of the Constitution of the Republic of Indonesia of 1945. One of them is that every citizen gets a worthy job and have the constitutional right to choose a job. This is

implied in the mandate of the 1945 Constitution of the Republic of Indonesia article 27 paragraph 2, that every citizen has the right to a life that is decent for humanity. The basic conception of a decent life is the responsibility of the state as a whole. This can be seen in the objective of the formation of the unitary state of the Republic of Indonesia which is contained in the mandate of the opening of the Republic of Indonesia law. This goal is to create people's welfare where the interpretation is physical and spiritual happiness because the basis of Indonesia is a godly country [6].

Citizens are all residents of the state, by whose presence the existence of the state becomes possible. Naturally, citizens, in a democratic country, have the right to participate in determining the fate and future of the country (political rights). The belief that exists in Indonesia is that of Indonesian citizens who live and live, therefore they have the same rights and obligations as citizens, including citizenship recognition. As citizens of Indonesia, they must behave well and comply with existing regulations, because Indonesia is known for its diversity. Therefore we must exercise our rights and obligations as citizens to be able to live a comfortable and peaceful life towards prosperity [7].

Being a citizen of the Republic of Indonesia according to the 1945 Constitution has a very important meaning in the legal and governmental system. The 1945 Constitution recognizes and respects the human rights of every individual human being within the territory of the Republic of Indonesia. Indonesian citizens, whether they have the status of Indonesian citizens or not, are treated as human beings who have universally recognized basic rights. These human rights principles also apply to every individual Indonesian citizen. In fact, in addition to guaranteeing human rights, every Indonesian citizen is also guaranteed constitutional rights in the 1945 Constitution [8].

Every person who has Indonesian citizenship has various rights, one of which is the right to get a decent living, as stated in the 1945 Constitution Article 27 paragraph 2: "Every citizen has the right to work and a decent living for humanity". The article states that citizens have the right to get a decent living and live properly in Indonesia. This also means that citizens are free to make efforts to realize these goals. In another sense, we as Indonesian citizens deserve to live properly and are also free to make efforts so that the feasibility of living is achieved as long as the method does not violate applicable laws and regulations [7].

The 1945 Constitution of the Republic of Indonesia contains the basic principles of the country's economy. This is regulated in article 33 of the 1945 Constitution of the Republic of Indonesia. Manpower is regulated in the 1945 Constitution of the Republic of Indonesia in article 27 paragraph 2, article 28 d paragraph 2, and article 28 e paragraph 1. These articles provide constitutional rights for every citizen and every person in Indonesia to work and constitutional obligations for the state. Because in manpower the state is responsible, so there is government intervention to protect legal certainty, as well as welfare for workers [9].

The manpower sector is one part of state administration based on Constitutional governance. The government is run based on rules limited by the constitution. This implies that a power exercised by state administrators must be returned to its legal basis, namely statutory regulations that cannot conflict with the 1945 Constitution of the Republic of Indonesia [9].

2. The Indonesian Government's Efforts to Reduce Unemployment

Labor is defined as the working-age population who are ready to work, namely the age of 15-65 years [1]. "Ketenagakerjaan" (from Indonesian) comes from the root word "Manpower" plus the prefix "to" and the suffix "an". Manpower means things related to labor. Article 2 paragraph 2 of law number 13 of 2013 states that labor is any man or woman who is in and or

will do work, both inside and outside of a working relationship, to produce goods or services to meet the needs of the community [9].

Labor is grouped into: a) Educated Manpower are workers who require a high level of education. For example, doctors, teachers, engineers, etc. b) Trained Workers are workers who need training and experience. For example, a driver, a mechanic, etc. c) Uneducated and Trained Workers are workers who do not require education or training in advance. For example, for broomsticks, garbage men, and so on [1].

With a large number of workers in Indonesia and not accompanied by the number of jobs that match the number of workers, the placement of Indonesian workers abroad is one of the government's efforts to overcome the problem of unemployment in Indonesia. Placement of Indonesian workers abroad is useful for reducing the pile of unemployment, and can also improve family welfare through received wages or remittances. Besides, it can improve the skills of TKI, because they get work experience. For the state, the benefits received are in the form of an increase in foreign exchange earnings, because TKI who work abroad will certainly receive compensation in the form of foreign exchange [10].

Sending Indonesian workers abroad has many negative sides. It can be seen from the number of acts of violence that have occurred to Indonesian migrant workers, human trafficking against female workers, the involvement of migrant workers in legal cases, as well as unpaid wages for migrant workers while working. All of these problems have become a persistent labor problem that never ends [10].

The high number of violence against Indonesian migrant workers is increasing every year, indicating that all regulations regarding citizens' rights have not been effective. The regulations outlined in the 1945 Constitution, the Law on Human Rights, and the Law on the Protection of Indonesian Workers which are deemed able to accommodate the fulfillment of citizens' rights cannot guarantee legal protection for citizens. This is especially needed by TKI who work abroad to obtain their constitutional rights. Therefore, the main step that the government needs to take is to optimize the laws and regulations related to manpower, by continuing to supervise companies that provide Indonesian Manpower services. The government needs to educate prospective workers who will be posted abroad, so that the workers sent are skilled and talented Indonesian Workers [10].

In line with the mandate of the 1945 Constitution, the right to work for every citizen is part of the responsibility of the state, not only to get a job but also with an appropriate value following humanity. This is emphasized in Article 38 of Law Number 39 of 1999 concerning Human Rights, namely:

- (1) Everyone has the right, according to their talents, skills, and abilities, to the right to decent work.
- (2) Everyone has the right to freely choose a job he likes and also has the right to conditions of employment.
- (3) Everyone, whether male or female who performs the same, comparable, equal or similar work, has the right to wages and terms of the same work agreement.
- (4) Everyone, whether male or female, in doing work that is equivalent to human dignity, is entitled to a fair wage following his achievements and can guarantee the survival of his family.

As stipulated in the above-mentioned statute, every person has the right to a respectable job with the freedom to choose the job he wants. Since human rights are rights inherent in human nature, as a privilege from the Almighty Creator, who cannot be rejected. Denial of this right means denying the integrity of mankind since in terms of dignity there is the same aspect, i.e. degree. When the degree applies to human life, it refers to the status of an individual who must be valued and respected [11].

Article 28I paragraph (4) of the 1945 Constitution after the amendment clearly shows the responsibility of the state in human rights. Meanwhile, Article 28I paragraph (5) emphasizes the enforcement and protection of human rights following the principles of a democratic rule of law, so the implementation of human rights is guaranteed, regulated, and outlined in statutory regulations [12].

The formula for the word 'in' in Article 28I paragraph (5), "... is guaranteed, regulated, and outlined in statutory regulations". This implies that human rights are not only regulated by special legislation but are 'in' all laws which do not even reduce the substance of human rights in the constitution [12].

According to Sukardi, as quoted by Adam Muhshi, the basic things needed to protect human rights in a rule of law are stated in the constitution because the history of the birth of a rule of law is intended to protect the rights of its citizens. Every worker has the right to the same opportunity to choose, get, or change jobs and earn a decent income at home or abroad. The placement and protection of Indonesian Workers are based on integration, equal rights, democracy, gender justice, anti-discrimination, and anti-human trafficking. Indonesian workers at home and abroad are entitled to guaranteed opportunities and equality of normative rights. They also have the right to obtain welfare for themselves and their families in the protection of legal certainty and national and international human rights [13].

"Then rather than that to form an Indonesian State Government that protects the entire Indonesian nation and all the blood of Indonesia and to promote public welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace and social justice [.....]". A sentence in the fourth paragraph of the opening of the 1945 Constitution of the Republic of Indonesia has declared Indonesia as a country adhering to a welfare state. In simple terms, it means that Indonesia must have a big role to play in creating welfare for its people. This conception also allows the state to be involved in every part of people's lives and daily needs to achieve prosperity. Concretely, the state is responsible for providing basic services and needs for its citizens to a certain degree. This is in line with what was conveyed by Yos Johana Utama in his professorship inauguration as quoted by Mochamad Adib Zain et al., Who stated:

The paradigm of the welfare state places citizens or individuals into legal subjects that must be protected and prosperous in all aspects of their lives. The state in the paradigm of the welfare state places citizens as subjects, and no longer places citizens as objects. The state must enter into the area of life of its citizens to carry out its functions, serve, and seek prosperity (bestuurszorg) [13].

The right to work and to work has since been governed by the Constitution of 1945 and is the right of all, either personally or as a collective. This right extends equally, irrespective of gender, nationality, faith, race, class, or another context. This is because the Government is the voice of all the citizens who are obligated to adhere to the ideals of the constitution, irrespective of their history.

3. Review of citizens' rights in Fiqh Siyasa

Islam is a religion that emphasizes the benefit and happiness of humans, both in this world and in the hereafter. His teachings remain current for humans in all times and places. Islam is not only a blessing for humans but also the universe. Islam treats people fairly without discriminating against nationality, skin color, and religion. Based on this principle, Islam makes various provisions governing relations between fellow humans, both Muslim and non-Muslim [14].

Islam regulates freedom of religion and belief, protects the rights of citizens even if they are non-Muslims with a basic principle of human unity, that Islam has the principle of al-Adalah (justice), Al-Musawah (equality), Karomah insaniyah (human honor), and so forth [7].

Islamic Sharia is different from others in establishing absolute equality of rights which cannot be decided except the following justice. Then there are no attachments and no exceptions. Equality of rights is a perfect equation between individuals and people [15]. Rasulullah saw, said: The blood of believers is all the same, and they have power over people other than them and must help with their guarantee of those who are weak from them.

Rasulullah agreed that the blood of the Muslims was the same, that is, similar and no different. There is true equality between all classes and perfect equality between all peoples and all forms of individuals, perfect equality between rulers and common people, equality between non-Muslims and Muslims in the Islamic State on rights and responsibilities, and each of them has a faith and a way of life independently. Equal rights and responsibilities between men and women, even in the absence of an explicit text which calls for natural differences between the two; and not because of a lack of women's skills [15].

Justice in the study of fiqh Siyasa commands every human being to do justice and uphold justice in every action and deed that is carried out as contained in the Al-Qur'an surah An-Nisa: 58. "Indeed, Allah instructs you to convey a message to those who are entitled to receive it, and (instructs you) when establishing laws among humans so that you determine fairly. Verily, Allah will give the best teaching to you. Allah is All-Hearing, All-Seeing."

Fiqh siyasah is one of the aspects of the Islamic law that discusses the arrangement and management of human life in a state to achieve the benefit or good for humans themselves. In the division of the scope of fiqh siyasah, there is one main part, namely the Politics of Legislation (Siyasa Dusturiyah). This section covers the study of the rule of law (Tasyri'iyah) by the legislature, the judiciary (Qadha'iyah) by the Judiciary, and government administration (Iddariyah) by the bureaucracy or the executive [14].

The word fiqh comes from faqaha-yafqahu-fiqhan. In language, the meaning of fiqh is "deep understanding". The word "faqaha" is expressed in the Koran 20 times, 19 of which are used to mean "the depth of knowledge that can be taken benefit from it." In contrast to the knowledge that has a definite form (qath'i). Fiqh is the science of uncertain law (zhanni). According to the term, fiqh is the knowledge or knowledge of shari'at laws that are amaliah in nature, which is excavated from his detailed arguments (tafsil) [14].

The word "siyasah" which comes from the word sasa, means to regulate, manage and rule, lead, make policy, government and politics. Etymologically, siyasah in oral al-Arab, siyasah is organizing or leading something by bringing it to benefit. From the description of fiqh and siyasah maka it can be concluded that fiqh siyasah is the study of the rules in social and national procedures through all forms of existing legal rules [14].

If we look at the framework of Islamic constitutional administration or fiqh siyasah, in this case, it will concentrate on the topic of siyasa dusturiyah, siyasah dusturiyah is part of siyasah fiqh, which addresses the issue of state law. In this section, among other items, the principles of the Constitution (the constitution of a nation and the history of the birth of legislation in a country), the legislation (how to draft laws), the political institutions and the shura, which are essential foundations of the legislation, are in line with what has been explained above [7].

A constitution is a form of codification of the highest agreement between humans who have a collective will (social contract) to be bound by a country. The constitution is not only a guideline in the state administration system but also regulates the authorities and obligations of the government as well as guarantees the protection of basic rights for Indonesian and

foreign citizens (constitutional rights) as well as being the highest source of law in the applicable legal system. The Constitution as a constitutional right states that Indonesia is a constitutional right which one of its basic elements is the fulfillment, recognition, and guarantee of the basic rights of citizens which are often referred to as citizen rights [16].

Definition of Constitution In fiqh siyasah, the constitution is also called *dustûri*. This word comes from Persian. Originally it meant "someone who has authority, both in politics and religion". In later developments, this word was used to denote a member of the clergy (religious leaders) Zoroaster (Majusi). After experiencing absorption into Arabic, the word *dustur* develops its meaning into a principle, basis, or formation. According to the term, *dustur* means a set of rules governing the basis and relations of cooperation between members of the public in a country, both unwritten (convention) and written (constitution). The word *dustur* has also been ambushed into Indonesian, which one of the meanings is the constitution of a country.

According to Abdul Wahhab Khallaf, the principles laid down by Islam in the formulation of this constitution are a guarantee of human rights that every member of society has an equal position before the law, without discriminating social stratification, wealth, education, and religion [17].

The discussion about the constitution is also related to the sources and statutory principles of a country, both material sources, historical sources, sources of legislation, and sources of interpretation. Material sources are matters relating to the main material of the constitution. The essence of the problem in the source of this constitution is the regulation on the relationship between the government and the people being governed. The formulation of the constitution cannot be separated from the historical background of the country concerned, both its society, politics, and culture. Thus, the material in the constitution is in line with the conspiracy and the spirit of the people in the country. For example, the formulation of the 1945 Constitution of the Republic of Indonesia has endeavored to follow the spirit of a pluralistic Indonesian society so that it can accommodate the aspirations of all parties and guarantee the unity and integrity of the nation. Therefore, Muslims are willing to accept the objection of the Christians in the eastern part of Indonesia to revoke some of the clauses in the formulation of the law. Then to have legal force, a basic law to be formulated must have a basis or enactment. With a strong foundation, the law will also have the power to bind and regulate the people in the country concerned. Meanwhile, the source of interpretation is the authority of legal experts to interpret or explain matters that are necessary when the law is implemented [17].

Fiqh siyassah *dusturriyyah* is the same thing as the constitution of a country which is used as a reference for statutory regulations in enforcing the law. According to Abdul Wahhab Khallaf in his book *Al-Siyasah al-Syarr'iyyah*, the values laid down by Islam in the constitution guarantee human rights that every member of society has equal standing before the law, without prejudice against social stratification, income, education, and faith. The debate on the constitution also applies to the origins and techniques of law in the country to be applied, both material sources, historical sources, sources of legislation, and sources of interpretation [18].

More than that, world Islamic leaders have also succeeded in formulating the conformity of Islam with human rights through the Cairo Declaration (Cairo Declaration or *Watsiqoh Huquq al-Insan fi al-Islam*) which was announced in 1990. The Declaration explained that the Qur'an and Hadith recognize basic human rights, one of which is the right to get a job (Surah at-Taubah [9]: 105, al-Baqarah [2]: 286 and al-Mulk [67]: 15). QS. at-Taubah [9]: 105 is an Islamic recognition of the right to work for humans because it is based on QS. al-Baqarah [2]:

286, someone will only get the reward (reward) or punishment (punishment) because of his work or effort alone. In line with these two verses, QS. al-Mulk [67]: 15 and also QS. al-Jumu'ah [62]: 10 ordered that people be scattered on the face of the earth to seek sustenance and grace from Allah. In the hadith narrated by Ahmad, the Prophet also praised any professional work as long as it was lawful such as agriculture, and praised the profession as a trader. Even concerning QS. al-Asr (103) and al-Bayyinah (98): 7, Nurcholish Madjid argues that Islam adheres to the principle: "I work, I exist" [7].

"The state is the organization (organ, body, or tool) of the nation to achieve its goals." Therefore, for every Muslim, the state is a means of realizing his position as a servant of Allah and actualizing his function as the caliph of Allah, to achieve the pleasure of Allah, worldly and ukhrawi prosperity, and to be a blessing for fellow humans and their natural environment [19].

Rules or laws which are valid are the deciding criteria for the salvation of humanity on this planet earth. According to Islam, the real law is what will save humanity from the hereafter in the world. Laws based on the Qur'an and Hadith do not contradict each other. Through these laws, society will be able to profit from them. In the hadith stated by the Prophet Muhammad in the "Farewell Sermon of Hajj" (hajatul Wada) which reads: I leave for you two things that you will not go astray as long as you hold on to these two things, namely: Al-Qur'an and my Sunnah.

In applying the values and norms of the Koran and hadiths in the life of the state, based on the patterns and examples practiced by the Prophet, these values are embodied in the basic constitution which historically is called the "Constitution of Medina" or "the first Islamic State Constitution. [7]"

The role of the first Islamic state constitution carried out by the Prophet can only be realized and acknowledged by modern thinkers today, because the constitution or basic law is not only a document that reflects the distribution of power among state institutions (such as the executive, legislative and judiciary). But also discussing determining and limiting government powers, the Constitution is considered to be the highest law embodiment that protects the human rights of every citizen [7].

4. CONCLUSIONS

Every citizen of the Republic of Indonesia has both constitutional rights and human rights which are the responsibility of the state following the constitutional mandate of the Republic of Indonesia, namely having the right to get a decent job following Law No.39 of 1999 that every citizen has the right to every decent work with the freedom to choose the job he likes without discriminating against the ethnicity, race, religion or class of every citizen and guarantee of protection for every workforce residing in the country or abroad. In Islam, the values laid down in the constitution guarantee the fundamental dignity of every member of society and the dignity of every person's place before the law, without discrimination against social stratification, income, education, and faith, and with those guarantees of welfare by being entitled to every decent job for the benefit of every citizen.

The state is an agency that functions to create welfare for every citizen. The state must be able to guarantee that there is no prohibition for every citizen to work and that there are no matters that are deliberately made difficult for every job seeker that triggers bribes or bribes to get a job. The state must be able to provide the widest possible job opportunities so that it can absorb a lot of workforces and reduce a large number of unemployed people in Indonesia. The state must also guarantee protection for every worker who is employed at home or abroad. With the guarantee of citizens' rights in getting a job, every citizen can fulfill their needs and live a prosperous life.

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