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RESEARCH ARTICLE

Workers on the Streets, Representatives in Parliament: The Indonesian Trade Union Confederation (KSPI) Rejects the 2020 Job Creation Law

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Abstract

This study examines the role of the Indonesian Trade Union Confederation (KSPI) in rejecting the 2020 Job Creation Law using Hannah Pitkin's political representation theory framework. The enactment of the Job Creation Law, which was drafted behind closed doors, with minimal public participation, and laden with capital interests, confirms the existence of a crisis of substantive representation in the legislature. It is in this context that KSPI emerged as a non-legislative actor attempting to fill the representation vacuum through litigation, mass actions, media campaigns, and international solidarity networks. This study uses a literature review method, examining academic documents, labor union reports, media coverage, and Constitutional Court decisions. The analysis reveals a paradox: while the KSPI has succeeded in pushing labor issues onto the public agenda and winning a conditional unconstitutional ruling, substantive achievements remain limited because core policies remain intact. These findings confirm that substantive representation does not always have to originate from legislative institutions, but can also be articulated by labor unions or other civil society actors. However, the effectiveness of such representation depends heavily on the extent to which they are able to penetrate formal political structures and build broader coalitions outside the arena of street protests.

Keyword: KSPI, Job Creation Law, substantive representation, labor unions, Hannah Pitkin.

Introduction

Since the enactment of the Job Creation Law (Omnibus Law) in 2020, Indonesia's public sphere has been filled with waves of rejection, polemics, and resistance. The government promoted this law with promises of increased investment, accelerated business licensing processes, and job creation. This narrative sounds promising, but upon closer inspection, many provisions in this law actually reduce protections for workers. Labor unions have firmly rejected the government's approach, which they consider to be more favorable to the market than to the dignity of workers. The fact that the academic draft of the bill was never submitted to labor unions, as reported by Kompas (2021), shows that the process of drafting this law has been problematic from the outset in terms of participation. How can a policy that will affect the lives of millions of workers be made without involving their voices?

Criticism from academics has strengthened the position of labor unions. In a study conducted by Yitawati, Chairani, and Pradhana (2024), it is stated that although the government claims that the Job Creation Law protects workers, in reality, various provisions are considered detrimental to their welfare. These findings are not merely legal notes, but clear evidence that regulations born of an elitist political process fail to meet the basic needs of the working class. In line with this, research conducted by Alia, Aseri, and Hidayati (2023) assesses that this law actually exacerbates class conflict. Using a Marxian approach, they highlight that the Omnibus Law places workers in an increasingly desperate position, while capital owners reap greater profits. So, what does the welfare of the people mean if the welfare of workers is sacrificed?

Siburian and colleagues (2023) remind us that the employment cluster in the Job Creation Law also has the potential to trigger constitutional issues. This shows that the problems in the Omnibus Law are not limited to industrial relations, but also touch on constitutional matters. In other words, this issue is not merely a matter of "workers versus employers," but concerns the foundation of the social contract between the state and the working people. If the principle of social justice enshrined in the constitution is ignored, then it is worth asking: how is the democracy we live in different from an authoritarian regime disguised in the form of modern regulations?

However, there are gaps in the studies that have been conducted so far. First, most research only stops at a normative analysis of the impact of the law on workers, and not much has been said about the role of labor unions as substantive representatives. Second, the focus of research is still predominantly on statistical data, articles, and legal interpretations, while media narratives, union reports, and forms of street resistance are often overlooked in academic readings. Third, Hannah Pitkin's concept of substantive representation is still rarely used seriously in examining the issue of the Job Creation Law. In fact, an important question must be asked: are labor unions merely symbols of opposition, or do they truly serve as channels capable of voicing the interests of workers in a tangible way?

Based on these considerations, this study aims to fill this gap by examining the substantive representation of labor unions in the context of the Job Creation Law. A literature review approach was used to collect and examine information from various sources, such as official union documents, media coverage, and academic works. The main objective of this study is quite clear: to assess whether KSPI and other labor unions are able to fill the substantive representation gap that is not fulfilled by the legislature, or whether they are stuck in an ineffective symbolic position.

This study makes an important contribution. From a theoretical perspective, it broadens our understanding of political representation in Indonesia, particularly the role of non-legislative actors such as labor unions in representing the interests of workers. From a practical perspective, this study offers recommendations so that the future legislative process can be more participatory and not merely a venue for compromise between political elites and capital owners.

The hypothesis proposed in this study is that labor unions in Indonesia, particularly KSPI, have not fully carried out their substantive representation function in the issue of the Job Creation Law, because workers' aspirations are often ignored, participation opportunities are limited, and the state tends to follow market logic rather than protect the basic rights of workers.

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Method

This study uses a qualitative approach with a literature review method. This method was chosen because the study emphasizes the analysis of existing thoughts, discourses, and documents rather than collecting data directly through interviews or field observations. Through a literature study, researchers can explore various sources that discuss the role of the Indonesian Trade Union Confederation (KSPI) in rejecting the 2020 Job Creation Law, both from an academic perspective and from practical sources such as organizational reports and media coverage. This approach is relevant because the issues under review concern national policy and social movements that have been widely documented in public archives.

In the data collection process, researchers established certain criteria so that the literature used was in line with the research objectives. The selected literature had to meet at least two requirements: (1) it had to substantively discuss the Job Creation Law, particularly in relation to employment, and (2) it had to provide an overview of the strategies or role of labor unions in the process of rejecting the law. To clarify the scope of sources, this study uses:

1. Legal and political journal articles published between 2020 and 2024.
2. Official publications of labor unions, particularly the KSPI, in the form of statements and activity reports.
3. Online media coverage from credible national media outlets such as Kompas, Tempo, and HukumOnline.
4. Legal archives in the form of KSPI lawsuit documents submitted to the Constitutional Court.

Meanwhile, documents that only contain general opinions, are not directly relevant to the topic of labor, or cannot be verified for authenticity, are not included in the analysis. The selection of these inclusion and exclusion criteria is important so that the research does not lose focus, while maintaining the quality of the data used.

The main instrument in this study is written documents. These documents serve not only as sources of information, but also as triangulation material to validate findings. For example, labor union claims regarding the impact of the Job Creation Law are compared with the results of analysis by legal experts or media coverage. Thus, each piece of information that emerges does not stand alone, but is examined through different sources. This method helps reduce the risk of bias and increases the reliability of the research results.

Data analysis was conducted using content analysis techniques, which involved reading, interpreting, and categorizing information from various sources. The analysis process was carried out in stages, beginning with data reduction, which involved sorting relevant information and discarding information that was not directly related. After that, the data was categorized based on major themes in line with the research focus, such as mass mobilization, legal advocacy, and public opinion campaigns carried out by labor unions. The final stage is interpretation, in which the organized data is linked to Hannah Pitkin's theory of political representation. In this way, the study not only provides a description but also a critical analysis of how the KSPI carries out the substantive representation function that should be performed by the legislature.

The advantage of the literature study method is its ability to view issues from various perspectives, including those of academics, labor unions, and the media. However, this method also has limitations. Researchers cannot directly capture the dynamics in the field, such as emotions, internal strategies, or debates that may occur within labor unions. Therefore, the results of this study emphasize the mapping of public discourse and available documents, rather than the individual experiences of actors in the field. Nevertheless, this method remains relevant because the role of KSPI in rejecting the Job Creation Law has been well documented, allowing for in-depth and critical analysis of the available data.

Results and Discussion

The theory of political representation developed by Hannah Pitkin (1967) divides political representation into four forms, namely formalistic, descriptive, substantive, and symbolic. Of the four, substantive representation is the most important because it emphasizes the extent to which representatives truly fight for the interests of the people, rather than merely being present symbolically or following formal procedures (Celis & Mazur, 2012).

However, in Indonesian political practice, substantive representation is not always carried out by legislative institutions. When the DPR is unable to fight for the public interest, the space for representation is often filled by non-electoral actors such as labor unions (Ekawati, 2014). One important actor is the Indonesian Trade Union Confederation (KSPI), which was established in 2003. KSPI was born as a continuation of the post-reform labor movement with the aim of fighting for workers' rights through advocacy, political lobbying, and mass action (Amalia et al., 2023). KSPI's main focus is to fight for decent wages, social security, and labor policies that favor workers.

The failure of the House of Representatives to carry out substantive representation is clearly evident in the process of drafting the 2020 Job Creation Law. This law was passed hastily without meaningful participation from workers or the general public, and even labor unions never received the academic draft of the bill (Kompas, 2021). The substance of the Job Creation Law is also considered detrimental to workers, such as easier layoffs, reduced severance pay, contract flexibility, and a wage system that further weakens the position of workers (Sadono & Rahmiaji, 2021). Some academics even consider that the employment cluster in this law has the potential to violate constitutional principles and widen the gap of social injustice (Siburian et al., 2023; Rahmatsyah, 2024).

This situation reveals a gap between procedural democracy and substantive representation practices. If the DPR only performs formalistic functions without paying attention to public aspirations, then the logic of representation changes to merely legal legitimacy for elite decisions. This is in line with the criticism raised by Urbinati & Warren (2008) that modern democracy is prone to being trapped in "audience democracy," where citizens are only spectators of elite decisions, not active actors. In the Indonesian context, the Job Creation Law demonstrates how strategic policies can be produced in violation of the principles of inclusion, participation, and deliberation. Workers then seek alternative channels of representation through the KSPI, but their bargaining power remains limited because the KSPI's position is outside the formal decision-making structure. If we compare this with the case of labor unions in Latin America, for example Brazil, the power of unions is often more effective because they have electoral channels through labor parties. Indonesia, on the other hand, still shows a disconnect between labor unions and the electoral political arena, so that substantive advocacy more often ends in resistance on the streets rather than real policy reform.

In response to this situation, KSPI developed a multi-layered strategy. First, street actions through national demonstrations to voice workers' concerns. Second, a litigation strategy by filing a judicial review with the Constitutional Court. As a result, the Constitutional Court did not repeal the law, but declared it conditionally unconstitutional, indicating serious problems in the legislative process (Sihombing, 2021). Third, a communication strategy utilizing mass media and social media, such as the #TolakOmnibusLaw campaign, which went viral (Nugroho & Syarifuddin, 2021). In addition, KSPI also engaged in international diplomacy by involving the ILO and building a global network to pressure the government (Amalia et al., 2023).

However, the KSPI's strategy does not stand alone. Other labor unions such as the Indonesian Metal Workers Union Federation (FSPMI) and the Confederation of Indonesian Trade Union Alliance (KASBI) are also involved in the action to reject the Job Creation Law, albeit with different mass bases and approaches. This collaboration between unions strengthens public pressure, but at the same time reveals the fragmentation of the labor movement because the agenda of the struggle is often not uniform. When compared to countries such as South Korea, for example, labor unions there (KCTU) have stronger bargaining power because they are able to organize cross-sector collective action, even to the extent of influencing the electoral process. In Indonesia, the absence of formal political channels for workers means that substantive representation is more often fragmented on the streets. In other words, even though there are layered strategies, their effectiveness depends on the ability to build solid labor coalitions across sectors and organizations.

However, the effectiveness of substantive representation by KSPI remains limited. The Job Creation Law remains in force after being re-enacted through Law No. 6 of 2023, despite widespread protests (Rahmatsyah, 2024). The fragmentation of the labor movement and

weak political bargaining power have made the KSPI's struggle more corrective than transformative (Siburian et al., 2023). This illustrates the paradox of substantive representation: even though labor unions are able to fill the representation gap and raise issues on the public agenda, concrete results in policy remain minimal.

The following table shows how employment conditions correlate with labor actions in the 2023–2024 period, reflecting the role of KSPI as a substantive representative actor:

Table 1. Labor Conditions Correlate with Labor Actions in the 2023-2024 Perio Zhafira Aura Pradipta de

Period	TPT (%)	Average wage (Rp)	Labor Movement Notes
Feb 2023	5,45	2,94 million	National demonstrations reject omnibus law, demand fair wages (BPS, 2023; Tempo, 2023)
Aug 2024	4,91	3,27 million	Demands for revision of the Job Creation Law, stop layoffs, eliminate outsourcing (BPS, 2024; Liputan6, 2024)

The table shows that the decline in the TPT rate and the increase in average wages did not necessarily reduce labor action. This indicates that labor protests are not merely a matter of economic figures, but are more deeply related to job security and social justice. In other words, labor action reflects the absence of substantive representation in parliament.

This data is important because it shows that macroeconomic indicators such as TPT or average wage increases do not automatically reflect the substantive welfare of workers. Behind these figures lie unmeasurable structural problems, such as the increase in short-term contract work, outsourcing, and job insecurity. It is this that drives workers to continue their collective action. This analysis is in line with Standing's (2011) findings on the phenomenon of the precariat, a group of workers who, despite being employed, remain in a precarious situation due to a lack of job security and social protection. In Indonesia's case, the precariat has grown due to labor market flexibilization policies in the Job Creation Law. Thus, labor actions can be understood not merely as a response to economic stagnation, but as an expression of rejection of the increasingly liberal logic of the labor market. If this phenomenon is left unchecked, substantive representation will be further reduced because the voices of workers are only heard as protests, but never as the basis for structural policy change.

The KSPI case shows that substantive representation does not always originate from legislative bodies that are formally given a constitutional mandate. Ironically, the House of Representatives, which should be the main channel for aspirations, has failed to perform this function, allowing the space for representation to be taken over by non-electoral actors such as labor unions. This situation points to a crisis of representation in Indonesia: when formal institutions are more subservient to market logic and the political elite than to the people, civil society groups are forced to fill the void.

However, upon closer examination, the role of KSPI also presents a paradox. On the one hand, they have succeeded in articulating workers' interests in the public sphere, pushing for judicial review in the Constitutional Court, and building international solidarity. On the other hand, however, there has been almost no visible substantive achievement of a transformational nature. The Job Creation Law remains in force and has even been re-enacted through Law No. 6 of 2023. This means that even though workers have succeeded in making labor issues a national political agenda, their bargaining position remains weak in the face of state and capital power. A critical question arises here: can substantive representation be said to be successful simply by raising issues to the surface, or should it be measured by the extent to which policies have actually changed in line with the aspirations of the people?

This question is crucial because it challenges the classic definition of substantive representation. Pitkin (1967) emphasizes "acting in the interest of the represented," but what if the political structure itself limits the possibility of realizing the interests of the people? In this framework, substantive representation cannot be viewed solely in terms of policy outcomes, but also in terms of the extent to which actors are able to open up previously closed spaces for public participation. The KSPI, with all its limitations, has performed this function. However, in order to go beyond its corrective nature, labor unions must transform themselves into political forces capable of competing in the electoral arena. The experience of labor parties in Europe or Latin America shows that substantive representation is only effective when non-electoral actors are able to enter state institutions. Thus, the future of substantive representation in Indonesia depends heavily on the courage of labor unions to expand their strategies from resistance to transformation. Without this step, substantive representation will only become a repetitive symbolic practice, without any structural power to change public policy.

This paradoxical phenomenon is not unique to Indonesia. In India, for example, labor unions are often caught in a tug-of-war between the interests of political parties and the needs of workers themselves, resulting in suboptimal substantive representation. Meanwhile, in the Philippines, although labor unions are active in street protests, they rarely succeed in pushing for substantive labor policy reforms due to the weak institutionalization of labor parties. This comparison shows that the crisis of substantive representation is a common problem in procedural democracies that place too much emphasis on electoral aspects while neglecting the voices of vulnerable groups. Thus, the KSPI case can be seen as part of a global problem concerning the limitations of substantive representation under neoliberal political systems.

From a theoretical perspective, the KSPI case challenges Pitkin's (1967) thinking. Pitkin emphasizes the importance of "acting in the interest of the represented," but in the Indonesian context, this process is trapped in an elitist and unresponsive political structure. If substantive representation continues to be expressed only through street protests or litigation with limited results, then we need to question the effectiveness of the current model of representation. Does this not indicate a shallow procedural democracy, in which the voice of the people is only considered valid when it aligns with the logic of power?

Going forward, the workers' struggle cannot stop at resistance. The KSPI must dare to go further by expanding its advocacy channels and breaking into the electoral political arena. Direct involvement in elections, the formation of a solid labor party, or coalitions with other elements of civil society could be long-term strategies to counter the dominance of the political elite. Without such transformative steps, labor unions will remain trapped in a corrective cycle of "protest-response-failure."

So, what I see is that substantive representation through the KSPI is real, but its effectiveness is still questionable. It opens up a critical discussion about the limits of representation in our democracy: is substantive representation only possible if workers enter the formal power structure, or can it still be carried out effectively from outside the system? These questions are important for assessing the future of political representation in Indonesia, particularly in the context of the relationship between the state, the market, and the working people.

If we look at it from a normative perspective, substantive representation in Indonesia will only be effective if three prerequisites are met. First, there must be a political commitment to open meaningful channels for public participation in the legislative process. Second, there must be consolidation of the labor movement so that it is not fragmented, thereby increasing its bargaining power. Third, labor unions must have the courage to enter the electoral political arena, either by forming a labor party or through strategic alliances with other civil society forces. Without these three conditions, substantive representation will remain defensive, merely reactive to state policies, and incapable of becoming a force for transformation.

Conclusions and Recommendations

The conclusion of this study shows that the passing of the 2020 Job Creation Law is a clear example of the failure of the legislative body to provide substantive representation for workers. The House of Representatives, together with the government, has placed greater emphasis on economic and investment agendas rather than protecting the interests of workers. This is evident from the closed, rushed legislative process with minimal public participation, as well as the substance of the law, which actually weakens the position of workers. In this situation, the Indonesian Trade Union Confederation (KSPI) has taken on the role of an alternative actor, seeking to fill the void of substantive representation through mass action, legal advocacy, media campaigns, and international solidarity. Although this struggle succeeded in building public discourse and resulting in a conditional unconstitutional ruling from the Constitutional Court, its effectiveness remains limited because the law remains in force and the legislative space remains dominated by market logic and the political elite. Thus, the research hypothesis is confirmed: KSPI does play a substantive representation role, but has not yet fully succeeded in fulfilling the concrete aspirations of workers.

Academically, this study confirms the relevance of Hannah Pitkin's substantive representation theory in the Indonesian context. The KSPI case shows that representation is not only the monopoly of legislative institutions, but can also be carried out by non-legislative actors when formal institutions fail. This opens up new avenues of study on the role of civil society in closing the substantive representation deficit, while also emphasizing the importance of expanding democracy so that it truly favors working people. The recommendation put forward is the need for commitment from the House of Representatives and the government to meaningfully involve labor unions in the formulation of labor policies. Labor unions also need to expand their strategies, not only on the streets or in litigation, but also in the electoral arena and social dialogue so that their bargaining position is stronger. In addition, support from international organizations such as the ILO can continue to be utilized to exert moral pressure on the state to be more supportive of the principles of social justice and the protection of workers' rights.

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