Enhancing Deliberative Governance
In Labour Protection Policy (The Case Of Banyumas's Landscape)

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Abstract

This study aims to test and explore the deliberation models and interaction patterns of bureaucracy and policy actors that develop in the dialogue forum-media in the implementation of labor protection policies known as deliberative governance. With a descriptive qualitative data analysis method and in-depth interviews based on case studies in Banyumas, Central Java and available labor regulation documents, 4 (four) deliberative governance models were found in labor protection policies. First, the elite deliberation governance model, namely deliberations initiated by and among the executive elite, Second, the people's representative deliberation model attended by regional legislative members and political party actors, and Third, the deliberation model driven by local labor/business organizations and Fourth, the large deliberation model, namely a forum that presents all stakeholders and actors in one large forum called the "Labor Rembug Forum" (FRB) or "Joint Deliberation on Employment" (MBK). From the research results, it is concluded that a grand deliberation involving all actors is able to accelerate the implementation of labor protection policies so that it can be a new alternative to accelerate policy implementation. By increasing the quality and quantity of deliberation at various levels, it has been proven to be able to encourage employers, workers and legislators to reach a new consensus, namely a commitment to register workers in the social protection program. Here, the regional government together with the Employment Social Security Agency must be able to monitor the consensus and commitment of all policy actors so that the agreement is truly realized so that labor protection is increasingly real and is able to improve the welfare of workers as a whole.

Keywords: *Deliberative Governance, Labor Protection, Policy Implementation;*

1. Introduction

The implementation of regional autonomy in Indonesia, which began in 1999, has recently faced more and more serious problems. One of them is the complexity of local governments in reducing unemployment and providing protection for workers (Knapińska & Woźniak-Jasińska, 2024). Unemployment continues to show increasing numbers every year which are intertwined with poverty rates (Baglioni et al., 2022). Many local governments through their regional head campaign promises at every democratic party for the Regional Head Election always promise to

improve welfare and social justice for all citizens, including by reducing unemployment, providing job opportunities and opportunities or creating new jobs that can absorb more workers (Koleros, 2024). The problem of employment in the regions is not only the increasing unemployment rate, but also industrial relations problems such as the increasing number of layoffs, the increasing number of workers who are unable to get protection and social security for employment and the lack of efforts to empower workers/laborers as a whole. Data from the Social Security Administration for Employment (BPJS-Ket) shows that of the approximately 2.7 million workers working in Central Java, only 32% receive employment social security. Likewise, of the 5 Employment Social Security programs organized by the BPJS Employment service nationally from 76 million workers/laborers, it turns out that only 23% of our workers receive employment social security rights. (Pasian, 2024).

At the regional level, the fate of our workforce/laborers is also not competitive, and it is not uncommon to hear that many company managements are exploiting workers/laborers (Mello & Vil-Nkomo, 2023). This can be seen from the low Provincial Minimum Wage (UMP), Regency/City Minimum Wage (UMK) which is always lagging behind other regions in Indonesia (BPS, 2023). The Governor of Central Java, Ganjar Pranowo, at the May Day (Mayday) Commemoration event on May 1, 2023, said that it is still a tough homework for Central Java to make workers' wages equal to other developed regions. This is because the UMP/UMK in Central Java Province is always the 'lowest' every year, which ultimately has a direct impact on the decline in professionalism and welfare of workers/laborers as a whole. It is natural that labor demonstrations for various reasons always occur because the level of worker welfare is still low (Paignton, 2021), (Ryu, 2018).

The labor policy of protection is absolutely necessary, not only a matter of campaign promises of regional heads in every Regional Head Election every 5 years, but also a mandate of the 1945 Constitution where employment affairs are a joint task and responsibility of the government. Article 27 paragraph 2 of the 1945 Constitution clearly states that "the state guarantees every citizen to get a job and a decent living for humanity". This mandate is not easy to realize because it turns out that many employment policies cannot be realized as mandated by the regulation so that many policies are 'sweet' only in the description of words and sentences

(chapters, articles and paragraphs of regulations), but minimal or even zero in their implementation (Whitsel et al., 2024) (Kpessa-Whyte, 2021)

One of them is the lack of participation, consensus and compliance with the policy itself, including the lack of enforcement of regulations and policy supervision (Kenter et al., 2016). As a result, citizens/workers who become victims again do not receive social protection as mandated by the Manpower Law, namely Law Number 13 of 2003 concerning Manpower, Law Number 6 of 2023 concerning Job Creation and Law Number 40 of 2004 concerning Social Security for Manpower and its derivative regulations.

1.1. Deliberative Governance, a Policy Innovation

The governance of deliberations which since 2015 has been institutionalized under the name of the Wage Council and the Tripartite Cooperation Institution Forum for Manpower is an official-legal institution that was established due to the mandate of Law No. 13/2003 concerning Manpower, which was then also included in Law No. 6/2023 concerning Job Creation. In several regions, collaborative institutions involving cross-stakeholders and policy actors have developed in accordance with the dynamics of each region. With the spirit of regional autonomy, in Banyumas Regency, the two deliberative institutions were then named the Labor Discussion Forum and the Joint Employment Deliberation which have been active since 2015 until now. In these deliberative forums, all stakeholders routinely hold discussions and studies on employment regulations for one purpose: to provide complete protection to workers according to the mandate of the Law. If observed, the deliberation model is in accordance with deliberative principles, so that it later became 'deliberative governance' (employment policy deliberation).

The terminology 'deliberative' comes from Latin, namely from the word 'deliberio' which means 'consultation', considering, or deliberation. According to Hansen, the idea of deliberation can be drawn from the thoughts of several philosophers and political thinkers since the 18th century such as Rouessau, de Tocqueville, J.S. Mill, Dewey and Koch (Stone, 2023). However, experts generally agree that the term deliberative is often used together with the terminology of democracy to become deliberative democracy. The term was later reintroduced by J.M. Bessette in 1980. However, the thinker who is considered most instrumental in developing and popularizing the deliberative democracy model is Jurgen Habermas, a second-generation critical

philosopher from the Frankfurt School (frankfurter scule), Germany (Blokker & Gül, 2023). The deliberative democracy model was also developed by Ulrich Beck and Anthony Giddens in their social theories about modern society. In short, Habermas provides a philosophical basis for the idea of a deliberative democracy model, while Ulrich Beck and Anthony Giddens provide social theory support for this model (Stone, 2023).

Habermas (1992) describes deliberative as a model of democracy or public decision-making that produces legal rules whose legitimacy comes from the quality of deliberation procedures, not only in formal state institutions (such as parliament), but also most importantly in the full involvement of society and across interests as a whole (Fischer, 2003) This means that political decisions and public policies can only be accepted and binding on all members of society if they are the product of a dialogue process that begins in the periphery, which moves towards parliament through democratic and constitutional procedures (Mello & Vil-Nkomo, 2023).

The concept of "public space" meant by Habermas is not just the availability of a forum to discuss every public policy (Nord et al., 2024). Habermas views the existence of public space by stating that public space is not just a place but a condition that allows constituents to always act as a sounding board in voicing public interests for making public policies (OECD, 2021). A public space that can show discourse between constituents and their representatives which leads to public policies that truly side with the public interest (Paramita et al., 2023)

In the public policy landscape, good deliberative governance can significantly encourage policy innovation, namely policies that are born to respond to previous policies that are considered not to have answered the needs and interests of the public (Alma'arif & Wargadinata, 2022). There are at least 10 principles of deliberative governance which are essentially derived from the principles of good governance, namely (1) authentic participation, (2) openness, (3) consensus, (4) responsiveness, (5) strategic vision, (6) accountability, (7) transparency, (8) compliance with the rule of law, (9) efficiency and effectiveness and (10) equality (Hart & Zingales, 2022). The models of public policy deliberation in Banyumas Regency are developing increasingly dynamically. One of them is seen in good practices in the form of Joint Manpower Deliberation (MBK) and Labor Rembug Forum (FRB. (Data from HI Sector, Dinakerkop UKM Kab. Banyumas, 2023).

The core of the two forums is tasked and responsible for participating in building a joint consensus on labor protection policies. The Tumubu deliberation forum developed because it departed from the habit of 'deliberation' which has been passed down from generation to generation in Banyumasan culture, namely with the principle of 'ana rembug de rembug' (a typical Banyumasan term if there is a problem in a common language) which gives the meaning that 'deliberation' is the best way to get wisdom here and there (Ojo & Clarke, 2021). (Muthhar Mohammad Asy'ari, 2020).

In the context of implementing labor protection policies, this is also clearly visible and has begun to be developed for a broader and more practical landscape, such as in labor protection policy implementation discussions. Moreover, labor regulation matters are the affairs of all parties involving all components of the nation, across stakeholders, across actors (Novianto, 2024). Starting from the executive, legislative, political parties, vertical institutions such as the Social Security Administration, Labor Supervisory Agency, labor organizations, employer organizations to the involvement of experts from campuses and educational institutions as well as the mass media (Haliim, 2016). Patterns and external communication, coordination and consolidation to build consensus in Figure 1.

Figure 1. Interaction Patterns in Policy Deliberations *(Hendrik Wagnaar, 2011)*

Figure 1. explains how public policies are initiated, implemented and monitored across policy actors. These actors play an important role in every stage of the policy process, because they are directly involved from the formulation and formulation phase to policy follow-up (Erdiana, 2024) (García-Guitián, 2023). They form and develop discussion forums and interact in communication, coordination and consolidation in the process of creating 'consensus, agreement and negotiation' (Wimmy, 2016). Each actor has their own role, duties and authorities, all of which lead to one goal, developing large dialogue and deliberation spaces by involving as much public participation as possible with one goal: to ensure that labor protection policies are realized according to the promises of existing regulations (Setiyono & Chalmers, 2018) (Welp & Reuchamps, 2023). All stakeholders agree that realizing labor protection as regulated in employment policies and regulations is an integral part of the government's strategic vision and mission, namely 'providing and providing decent work and livelihoods for humanity' (Ryu, 2018).

These employment policies all seek to realize workers' rights, in a comprehensive worker protection policy package (Setiyono & Chalmers, 2018). This is due to several factors. First, workers in Indonesia still have very low levels of competence. Data from the Indonesian Ministry of Manpower (2022) states that of the approximately 56 million workers working in national companies, only around 55% have the competencies needed by the company. This results in the workers' bargaining position in front of management being unequal, so that workers' rights are easily ignored for this reason (Li, 2019).

Second, low compliance with regulatory provisions. Facts show that the level of worker protection in Indonesia is still very minimal. Data from the Social Security Administration for Employment, of the approximately 56 million national workers spread across various national companies, only 32% already have and are BPJS Employment participants (Ryu, 2018). Even out of the 5 programs provided by BPJS Ketenagakerjaan, on average only 2-3 programs have been discussed for various reasons. As a result, the policy of implementing employment social security which is aimed at protecting workers/workers as a whole is not complete because in fact the level of participation in the employment protection program is still minimal (Guner et al., 2024).

> *"This is a democratic country, so if people want to share idea or experiences, local government give sphare and forum for policy dialoque. Please useit as medium for consencus "* (Hanung P, PJ Bupati Banyumas, in memorial Mayday, 1 Mei 2023)

There are various models of public policy implementation that have been widely developed in Indonesia, including at the regional level. One of them is the policy implementation model initiated by Meriles S Grindle (1980), who said that the success of policy implementation depends on the content of the policy and the context of its implementation, which is referred to as the degree of implementation capability (Ansell, C. and Gash, 2008). In terms of policy content, it is related to the public interest that the policy seeks to influence, the types of benefits generated, the degree of change in question, the positions of policy makers and policy implementers, and the resources generated (Whitsel et al., 2024). Dialogue to open up public space can be started early, namely at the stage of policy choices that will be taken by opening up opportunities for all actors to participate and be intensely involved in the discussion (Erman, 2013).

Meanwhile, an arena of conflict can be created when each party, each actor is fighting for their rights, including fighting to realize their aspirations, ideas and visions and missions. In the 'conflict area' phase, what is needed is the delivery of ideas and/or opinions without bias (Gmeiner, 2024), and solely aimed at reaching an agreement. The conflict arena must be presented and must be ended, when all 'grassroots voices, the voices of each actor are narrowed down to a single agenda. In this conflict arena, it is not uncommon for disputes to arise one after another and all actors work hard to defend their agendas, opinions, and voices. Deliberative, which in essence is to open up 'public space' as widely as possible, at the stage of the public policy conflict arena can be called the 'real battleground' (Gmeiner, 2024), as in Figure 2.
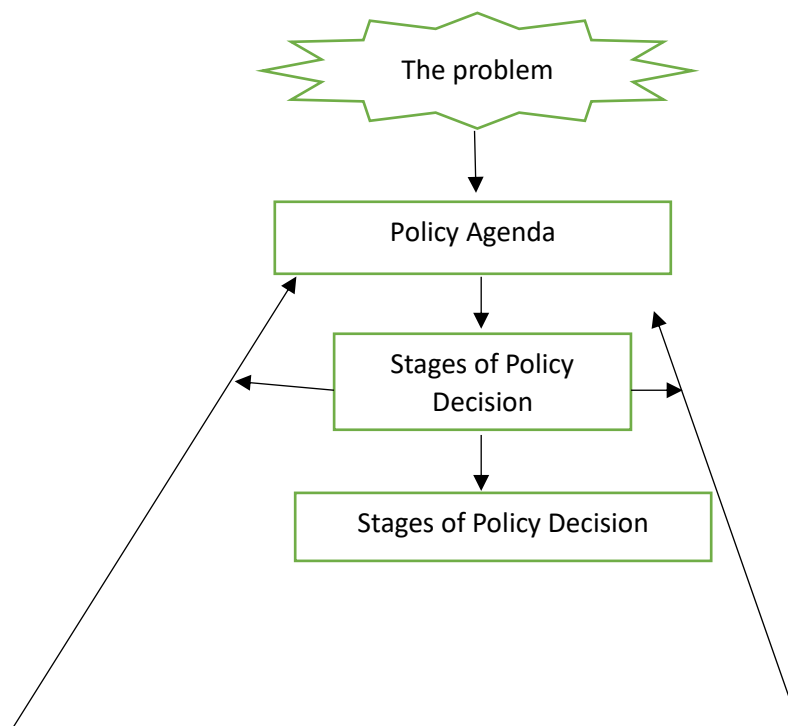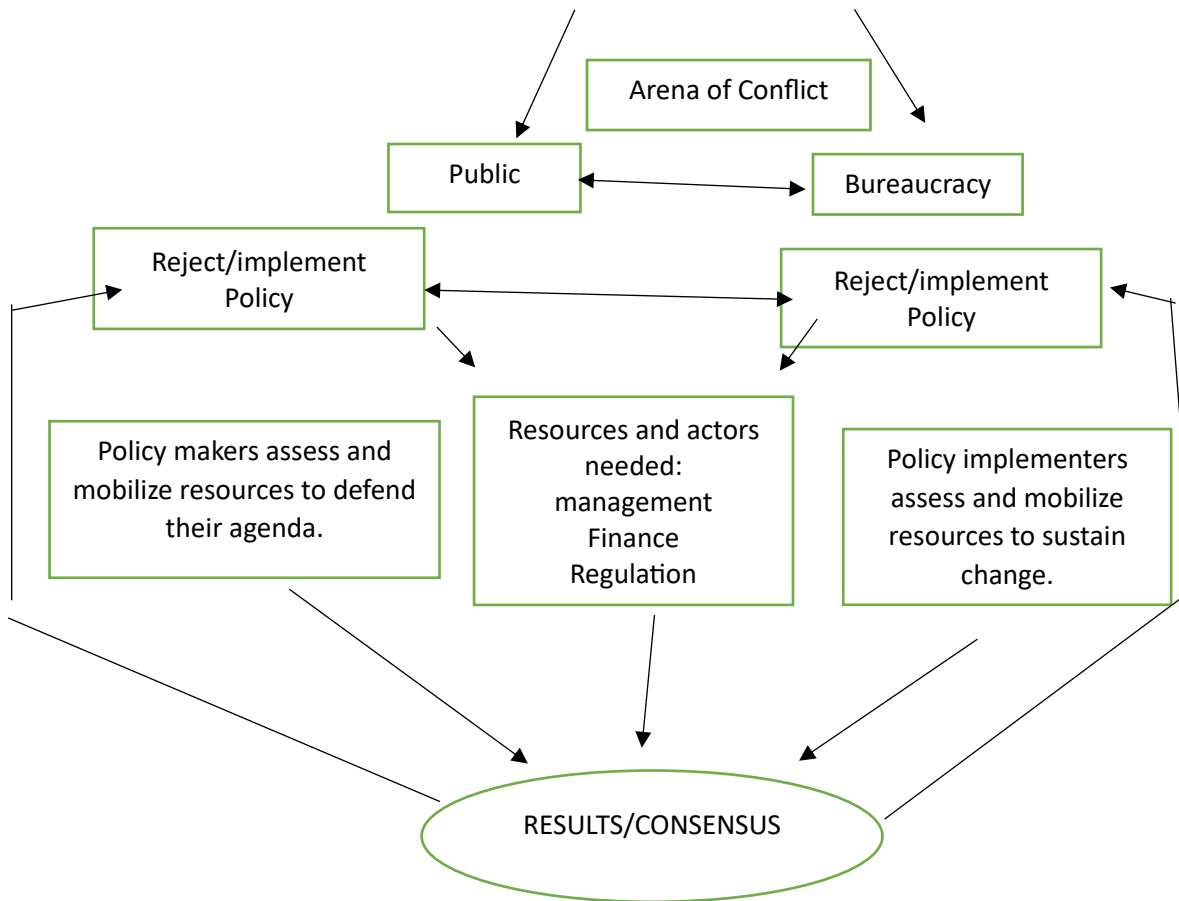
Figure 2. (Deliberative) Model of Policy Implementation (Grindel, 1980)

Figure 2. explains the stages of policy implementation, namely there are three main variables that must be considered, namely the strength of the agenda, the interests of the actors involved, the character of the institution and the level of compliance with regulations. (Zakrzewska, 2017). Grindle stated that the main actors in decision-making consist of the public and the bureaucracy where between the two there is always a 'conflict arena' which if not managed properly has the potential to thwart policy implementation. (Saleh et al., 2021), (Gurr, 2024). Meanwhile, to realize the labor protection policy can be realized according to the mandate of applicable regulations, communication patterns and flows, coordination and consolidation that must involve all stakeholders and policy actors who are able to carry out their roles, duties and authorities dynamically, with the principles of good governance (Cortés & Ramírez Cajiao, 2024) (Ayisi et al., 2021). By preparing resources and policy actors, good policy implementation will be built and on the other hand, policy implementation that represents the will of the public will also

be realized, (Ojo & Clarke, 2021) (Blokker & Gül, 2023) (Botlhale, 2021). Consensus or agreements on potential and strategic decisions will be the output of policies/decisions that are used as the basis for policy implementation.

2. Methods

This research method is qualitative descriptive to explore and describe, explain and test the extent to which models of governance of labor protection policy deliberations at the regional level are carried out by cross-stakeholders/policy actors (Hammersley, 2023). From the qualitative data, the interaction pattern of actors will be depicted to what extent the patterns of communication, coordination and consolidation relationships are practiced-developed and explain how participation, consensus and compliance with labor regulations are carried out (Ansell, C. and Gash, 2008). With data research instruments from in-depth interviews with 100 key informants and regional employment regulation documents consisting of 20 relevant officials from regional elite/executives, 20 legislative members from people's representatives, 30 workers/laborers and entrepreneurs and 30 experts, social organizations, elements of central institutions/BUMNs that handle social security for employment and the mass media, it is hoped that a solution can be found on how deliberative governance can be developed in the implementation of future policies in order to become a policy deliberation model that can accelerate the implementation of employment policies (Case, 2023).

3. Findings And Discussion

The results of testing and exploration of forums and media for 'deliberative governance' that are applied and developed in the implementation of labor protection policies at the regional level show that there are 4 (four) models of deliberative governance. The four deliberative models can be explained as follows:

First, the deliberative model referred to as the 'elitist model', namely the implementation of labor protection policies that only involve government executive networks/ranks, namely with the participation of stakeholders/actors from elements of government agencies (Nord et al., 2024). In this elitist model, all stages of the implementation of labor protection policies are dominated by 'elite voices', where all participants in the deliberations outside the government

agency network function more as 'good listeners' to labor protection policies conveyed in forums and media for deliberations that are held in stages (Vozab et al., 2024).

Moreover, the habit of 'paper tigers' is only completed on paper after the labor protection policy is signed by the regional head/head of government agencies, it is often considered that 'implementation is complete'. Because at the same time there is no adequate policy monitoring (Pooe & Setlhalogile, 2023). It must be admitted, this 'elitist' deliberative model also produces a 'pattern and flow of communication, coordination and consolidation' that is one-way, one-sided where communication and coordination are hierarchical, tiered (Medina-Guce & Sanders Jr., 2024). As with the top-down communication flow and pattern, in Figure 3.
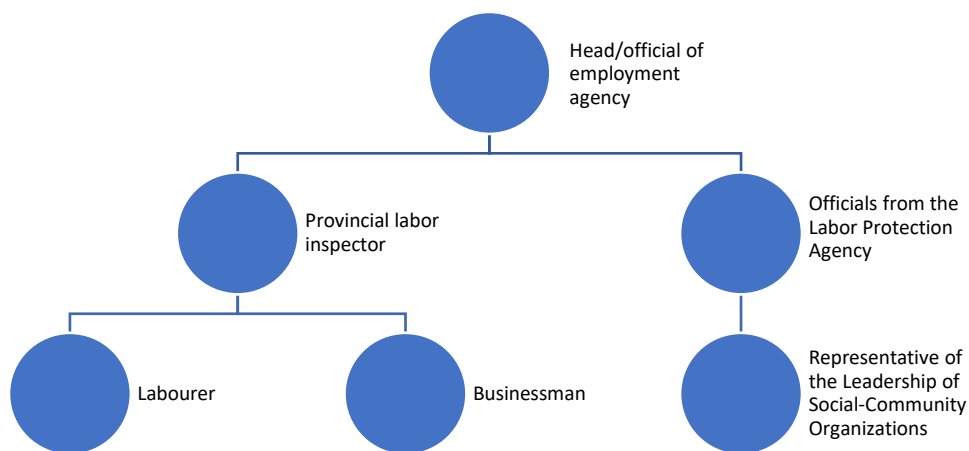

Figure 3. 'Elitist' Deliberative Governance Model (data Processed by the Author, 2024).

Second, the 'people's representative' deliberative governance model, namely policy deliberations held and controlled by stakeholders from members of parliament/legislature and political parties (Studies et al., 2023). In the context of the check and balances function, the people's representatives consisting of legislative members from various factions in the DPRD, and the network of political party elements also hold forums and media for cross-parliamentary deliberations (Trade, 2023).

The role of participation and commitment to building policy consensus also feels more 'varied' because the people's representatives hold deliberations involving the wider community, even those not in the labor category (Welp & Reuchamps, 2023). The forums and media for policy deliberations raised by the people's representatives often have the aroma of 'campaigning' or 'asking for support from prospective voters' or the goal of 'caring for their own political constituents/political parties' (Fritsch et al., 2023). as in Figure 4.
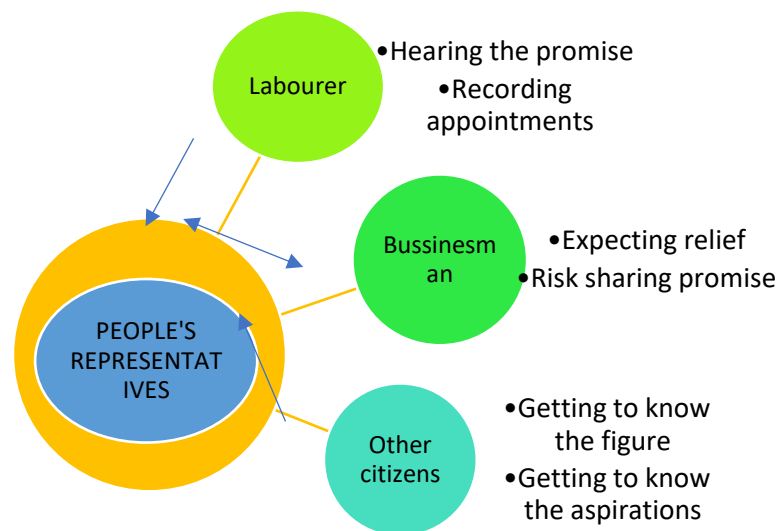
Figure 4. Deliberative Governance Model "People's Representatives"

Third, the 'Labor' Deliberative Governance Model, namely a labor protection policy deliberation organized by workers either individually or as an organization.

The All-Indonesian Workers Union (SPSI) is a forum for workers to organize workers in order to participate in the implementation of labor protection policies. The Labor Discussion Forum (FRB) is a medium of communication between workers and employers to oversee labor protection policies (Wimmy, 2016). The workers' deliberation discusses the labor protection agenda, by seeking and mobilizing the formation of labor unions in company units. By forming a labor union in each company, it is hoped that the communication, coordination and consolidation forum can become a 'partner' of employers to realize labor protection in accordance with the provisions of applicable laws and regulations (Vozab et al., 2024).

The flow of communication and consolidation between workers and employers also forms an 'inverted pyramid' where the 'realization' of labor protection policies is still far from the government's targets set by the government. (Jani & Suryadinata, 2023). This is partly due to the unbalanced interaction pattern between employers and workers in Figure 5.
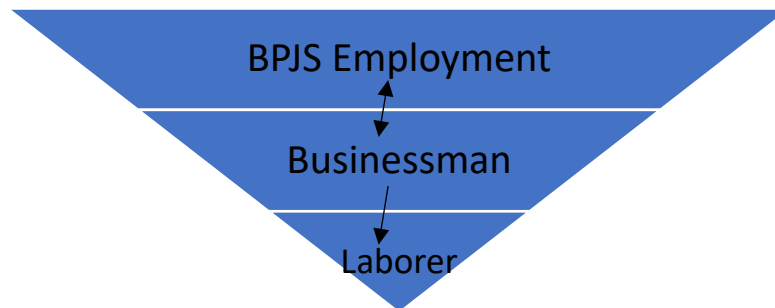

Figure 5. Deliberative Governance Model "Labor"

Fourth, Deliberative Governance 'Grand Deliberation', namely a deliberation model that involves all networks, stakeholders and actors implementing labor protection policies (Ojong & Cochrane, 2021) in Figure 6. This policy deliberation was attended by a complete and diverse group, namely the central executive represented by representatives of officials from the Employment Social Security Administration, Labor Inspectors from Central Java Province, members of the DPRD, representatives of political parties, labor organizations and regional business organizations, academics and mass media activists and leaders of other social community organizations (Hart & Zingales, 2022).

The communication patterns and flows that are built are also dynamic, namely multi-directional-flow by providing a wider and more diverse deliberation space, especially when there is a debate about the achievement of protection needs in the BPJS Employment program (Baglioni et al., 2022). It was also agreed as seen in the Labor Discussion Forum (FRB) and the Joint Employment Deliberation (MBK), the main actors, entrepreneurs and politicians, are increasingly showing their major roles in decision-making and labor protection policies (Pandey, 2024). This can also be seen from the increase in the number of labor protections from period to period in Figure 6 (Knapińska & Woźniak-Jasińska, 2024).
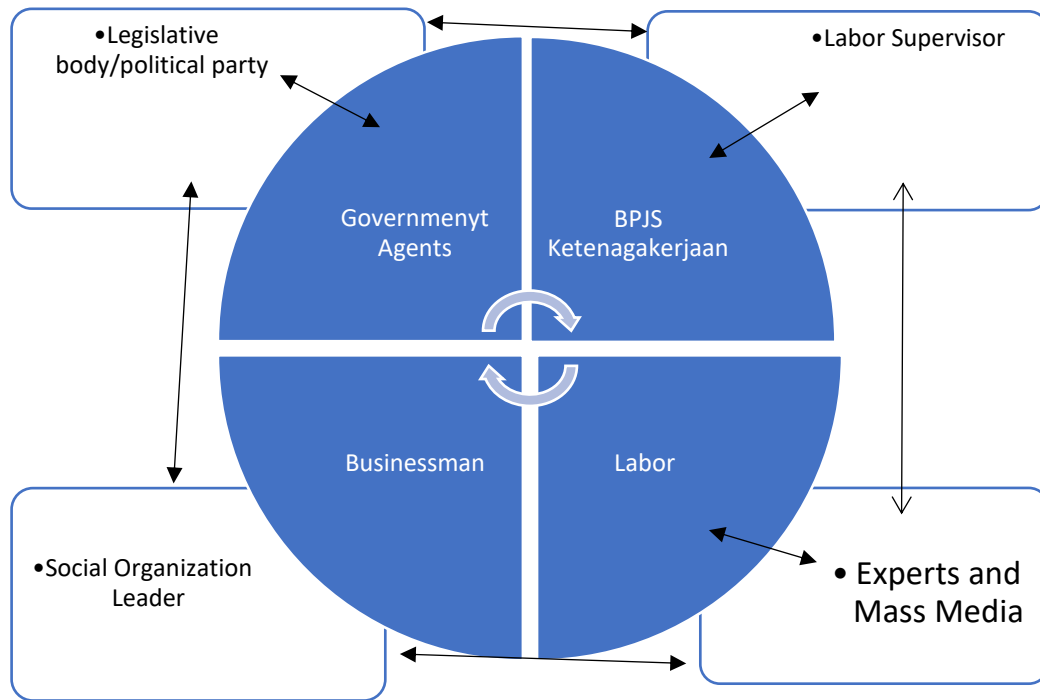
Figure 6. Deliberative Governance Model "Grand Deliberation"

Figure 6 describes that in flow of communication and degree of interaction among the actors of policymaking is more smooth, each actors understand their position, and government agent also take role in facilitating, and even they were just to be a good listerners. Sign   gave a special meaning that each actor has good relation, fine communication. Only social organization leader/actors that did not have connection in sound and discussion within actor of businessman. Some say that there is no interest between social organization actors and businessman in this agenda.

Meanwhile, seen from the stages of the process of implementing labor protection policies with deliberative governance, it can be seen that the determining actor is the legislative actor as in Figure 7.
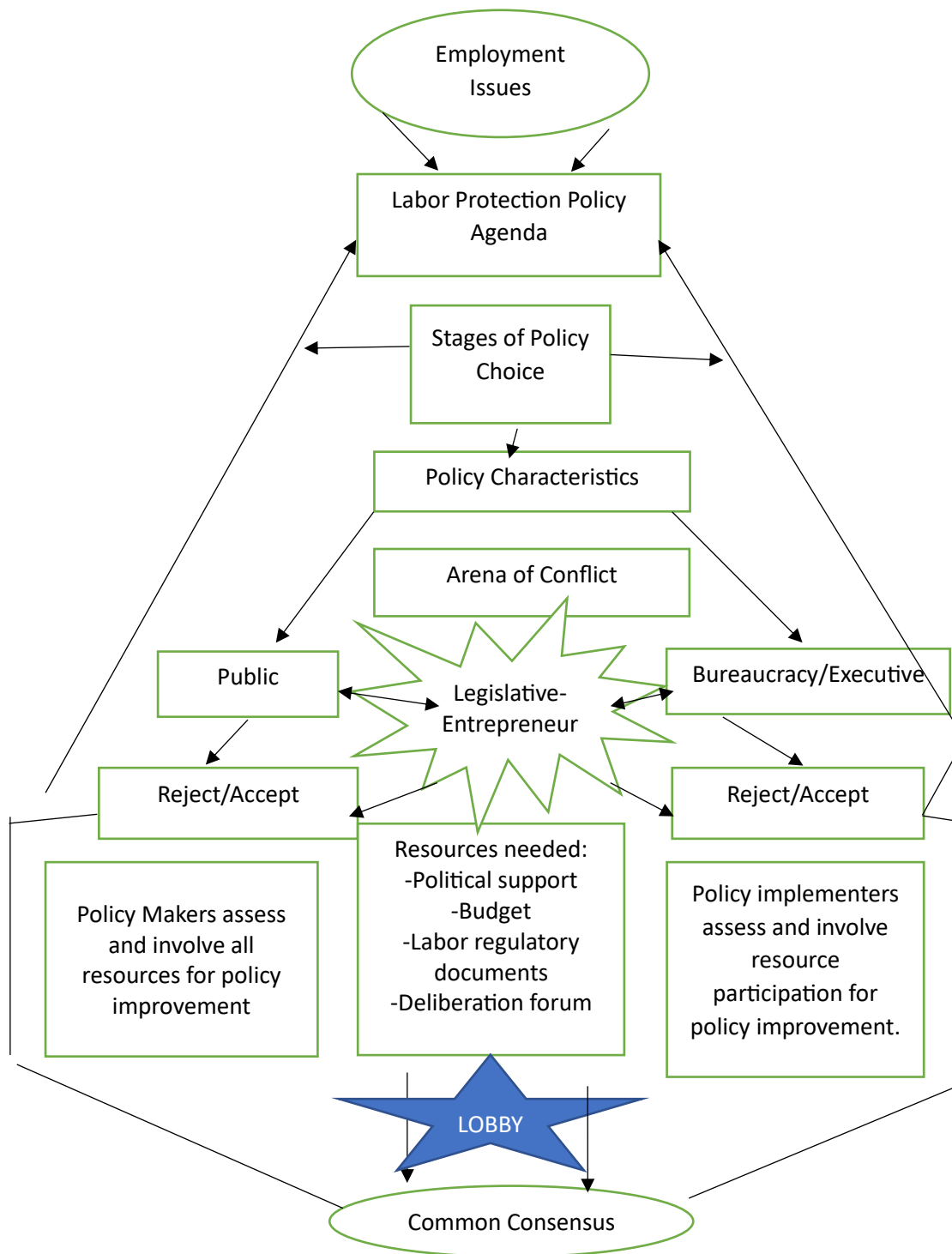
Figure 7. Deliberative Governance Model in the Implementation of Labor Protection Policy

This also reflects that in the labor protection policy deliberation in Banyumas, the role and involvement of political actors is also very large, and can even be called dominant. The role of political actors and entrepreneurs is especially visible in 'policy choices' where at that stage the debate and sharing of opinions are seen very intensely from various actors (Scott, 2023). Political actors and entrepreneurs also play a 'key' role when in the lobbying stage before a consensus is reached. (Oloo, 2021), (Siachisa, 2021). Because at that stage, it is the phase of determining which policy choices will be taken and continued in the form of regulations (Fritsch et al., 2023).

The role of politicians/legislators is also clearly visible, namely the presence of politicians, legislative elites when discussing basic labor rights, namely the right to pension protection, the right to work accident protection, the right to old age protection and the right to 'job loss guarantee' protection (Hale, 1974), (Wu et al., 2024). The agenda of 'change' is most intensively discussed by all actors and in this agenda, the actions and interactions of political actors, especially legislative circles and entrepreneurs/corporates, are also very dominant (Palenberg, 2024). This is because it not only concerns the basic issues of worker protection, but by fighting for the provisions of this basic worker protection, it can directly raise the image of oneself and the legislative institution as 'representatives of the people', where workers are 'the people' as well as constituents of members of the legislature-parliament and political parties (Kpessa-Whyte, 2021), (Falcão et al., 2023).

4. Conclusion
4.1. Conclusion

The conclusion of this research is:

1. Deliberation can be an alternative strategy for implementing a more democratic labor protection policy. So, seen from the origins of stakeholders and actors implementing labor protection policies, there are four models of deliberative governance, namely the 'elitist' deliberative model, the 'people's representative' deliberative model, the labor deliberative model and the 'grand deliberation' deliberative model, namely a managed deliberation developed by involving all participants' origins, by building ongoing reciprocal communication. (Tappert et al., 2024).

2. In terms of the policy implementation model, the Grindle model is closer to the reality of implementing labor protection policies in the regions, although not all components in the process and stages of implementing labor protection policies fully follow the Grindle model. There are 2 differences in forming a consensus at the end of the labor protection policy implementation process. If in the Grindle model there are only 2 main actors, namely the Bureaucracy and the Public, (Lukšič, 2024), then in this research there are 3 main actors in policy implementation, namely (1) bureaucracy/executive, (2) legislative-political parties and (3) the public, namely labor and business elements. These three actors directly determine the success or failure of the implementation of labor protection policies at the regional level.

3. Although the legislature is the executive's 'main partner' in labor protection policies, it turns out that the presence of a 'network of regional people's representatives' (legislative circles) together with political parties in policy deliberations not only increases the potential for conflict between actors, but also slows down the occurrence of consensus and slows down compliance with labor protection regulations. (Pahl-Wostl et al., 2023). (Delgado-Baena & Sianes, 2024).

5. Conflict of Interest

The author needs to declare that there is no conflict of interest related to the wrting or publication of this article. Thought the author actively involved all the process of policymaking.

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