The Politics of Criminal Labour Law in Indonesia



A CASE STUDY OF WEST KALIMANTAN'S OIL PALM PLANTATION SECTOR

This article examines the politics of criminal labour law in Indonesia, focusing on West Kalimantan's oil palm plantation sector. It finds a fundamental paradox between worker protection and the interests of capital accumulation. Although the constitution guarantees the right to work and a decent livelihood, labour law in practice fails to deliver substantive justice for workers.

The study identifies three central paradoxes in labour law:

1. A normative paradox: the state is half-hearted in criminalising labour violations.
2. A procedural paradox: the principle of *ultimum remedium*—criminal prosecution as a last resort—instead protects employers through multiple layers of procedure.
3. An implementation paradox: criminal law is more often used against workers than against offending corporations.

These conditions have tangible consequences on the ground, including unilateral dismissal without severance pay, prolonged casual daily-worker status without social security, and deaths following companies' refusal to provide access to healthcare.

The study also finds systemic corporate impunity, characterised by minimal enforcement against offending companies, weak enforcement capacity, and fragmented regulations and institutions. Too few labour inspectors and limited understanding of labour law among enforcement officials compound the problem.

Workers also continue to face criminalisation, particularly in palm oil disputes: those defending their rights are prosecuted, while corporate violations are often resolved administratively, without criminal consequences.

To address these problems, the article recommends:

1. Reformulating and clarifying criminal labour provisions to remove ambiguity.
2. Strengthening coordination between institutions and the capacity of law-enforcement officials.
3. Enforcing corporate criminal liability effectively.
4. Protecting workers against criminalisation.
5. Increasing the number and competence of labour inspectors, particularly in oil palm plantation areas.

It concludes that, without fundamental reform, criminal labour law will continue to fail as an instrument of protection, instead perpetuating inequality between workers and corporations.

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