

Legal Politics of Social Workers Law as an Advocacy Effort of Social Workers

Al Yasir,^{1*} Muhammad Izzul Haq,² Sukron Ma'mun,³ Fitri Nur Aini Prasetyo⁴

¹Master of Law, Universitas Gadjah Mada, Indonesia; ²McGill School of Social Work, McGill University, Canada; ³School of Social Science, Western Sydney University, Australia; ⁴Faculty of Law, Universitas Sebelas Maret, Indonesia

*Email: alyasir1997@mail.ugm.ac.id

Submitted: January 29, 2023

Revised: July 21, 2023

Published: August 10, 2023

Abstract

As the organizer of the realization of social welfare, the state has not been able to optimally overcome social changes, which have an impact on increasing the number and complexity of social welfare problems. With the arguments of humanity and the principle of mutual cooperation, some parties help the government, then are called social workers. To ensure their existence, social worker organizations in Indonesia initiated the formation of the Law on the Social Worker Profession. Law Number 14 of 2019 concerning Social Workers was formed. After the birth of this Law, some questions emerged whether the Law provided solutions to the problems faced by social workers in assisting social welfare, or with this Law, the state would be out of hand and emphasize the resolution of social problems to social workers. This study described the legal political conditions for forming this Law. This study answered the politics of the formation of Law Number 14 of 2019 and the challenges for Social Workers in Indonesia after the birth of the Law. Answering those problems, this study used—statute approach, historical approach, and conceptual approach, strengthened by some literature related to Law and social workers. Besides that, this study also used protection theory to assess the Law. This study also compared some regulations in some countries regarding social workers in some cases. In short, this study found that the strong historical background, the long existence of social workers in Indonesia, and the need for legal protection and certainty have become the reason for establishing Law No. 14, 2019. However, after the birth of the Law, challenges arose for social workers where their actualization was not easy and limited according to their profession and education. In addition, it is alleged that the Law could lead to malpractice because there are no sanctions. While in Australia and USA, social worker laws give more space for social worker.

Keywords: *Legal Politics; Social Worker; Social Workers Law; Challenges for Social Workers*

Introduction

The fifth principle of Pancasila states, "*Social Justice for All Indonesian People.*" As this country's main basis and philosophy, upholding social justice for the people is one of the state's goals. In addition, in the 4th paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia, it is also stated that the purpose of the state is "*to protect the entire Indonesian nation and the entire Indonesian homeland and to advance the general welfare, educate the nation's life, and participate in implementing world order based on independence, eternal peace, and social justice.*"

The goal that the state wants to achieve from the philosophical point of the 5th principle of Pancasila and the 4th paragraph of the 1945 Constitution is to realize the welfare of the Indonesian people. The reason for realizing the welfare of society by the state, as said by Jurgen Habermas quoted by Sugeng Pujilaksono, that to become a modern state, a state should be able and ready to guarantee the welfare of the community and make it the main concept of the state.¹

Realizing social welfare automatically intersects with social life in the community. Along with the changing times, where technological development is accelerating, and the number of people is increasing, problems arise that result in gaps in social life.

Along with the thoughts of Soerjono Soekanto, quoted by Lina Lisnawati and friends, classifying social problems that occur universally is caused by economic, cultural, biological, and psychological. The economic problems include unemployment, hunger, inequality, and poverty. The cultural problems include divorce, early marriage, crime, and juvenile delinquency. The biological or health problems are such as infectious diseases and malnutrition. The psychological problems are mental illness, sexual deviations, cults, etc.²

The emergence of these social problems makes the state try to find ways to solve them. The increasing number of these problems means the state cannot reach all of them. With the argument of humanity, individuals or groups who assist their brothers who experience social dysfunction appear.³

Individuals or groups that provide such assistance are volunteers or, more specifically, called social workers. They have the skills and knowledge

¹Sugeng Pujileksono, *Perundang-Undang Sosial dan Pekerjaan sosial*, (Malang: Setara Press, 2016), p.72

²Lina Lisnawati, Santoso Tri Raharjo, dan Muhammad Fedryansyah, "Eksistensi Profesi Pekerjaan Sosial Di Indonesia," *Proceeding KS: Riset & PKM* Vol 2 No 3, November (2015), p.312.

³Rayno Dwi Adityo, (2022), "Ambiguitas Konsep Perlindungan Hukum Terhadap Pekerja Sosial," *Morality : Jurnal Ilmu Hukum*, Vol 8 No 1, p.65. <http://dx.doi.org/10.52947/morality.v8i1.253>

to assist with social problems experienced by people with social dysfunction disorders. The form of social workers in dealing with social dysfunction is very diverse, such as medical personnel for people with health problems, psychologists for those with psychiatric or mental problems, general personnel for those with problems with society or the environment, legal aid personnel when problems in the legal field and so on.⁴

From the historical perspective, social workers in Indonesia began in the pre-independence period, with the actors being religious organizations in the name of social spirit and charitable deeds. Meanwhile, after independence, the Ministry of Social Affairs was born, formed by the state.⁵

According to Whibawa Budi about this social worker quoted by Aditya Nuzuliani Rahma et al., social work is a job with a field of expertise or also called a profession, so that it has a scientific basis and contains art in its practice.⁶ Understanding this assumption, social work is a profession because becoming a social worker requires knowledge, values, and skills to help people who experience social dysfunction and are done professionally.

Recognition of the existence of social workers in Indonesia is with the birth of Legislation Number 14 of 2019 concerning Social Workers passed on October 1, 2019, which consists of 12 chapters with a total of 69 articles. This Law has a substance that becomes a benchmark for the Indonesian Social Worker profession. The definition of a social worker itself is someone who has the knowledge, skills, and values of social work practice and has obtained a certificate of competence.⁷

The political configuration of democracy certainly colors the formation of this Law, so there are several reasons for its formation, and after this Law was born, there were several things that became challenges for social workers, for example, specifically the requirements that must be met as a social worker profession based on the provisions in article 19 of Law Number 14 of 2019 concerning Social Workers are graduates of undergraduate level education at universities, with the types of education mentioned in article 21, namely social welfare graduates, applied social work graduates, and other social graduates related to social welfare.

This problem raises the question of whether only graduates in the field of social science are recognized as social workers in Indonesia, while in reality, there are still many who contribute in other fields, such as the health

⁴ *Ibid*

⁵ Adetya Nuzuliani Rahma, R.Nunung Nurwati, & Budi Muhammad taftazani, "Eksistensi Pekerja Sosial Di Indonesia", Malaysia dan Amerika Serikat, *Proceeding KS: Riset & PKM* Vol: 2 No: 2, p. 214.

⁶ *Ibid*.

⁷ Law Number 14 of 2019 concerning Social Workers State Gazette of the Republic of Indonesia Year 2019 Number 182.

sector. On the other hand, this Law does not regulate the provision of administrative or criminal sanctions in it like laws for other professions.

So through this paper will describe some of the reasons for the formation of the social worker law and some of the challenges for social workers after the social worker law was born. Based on the subject matter above, the problem formulation can be raised How is the Politics of the Formation of Law Number 14 of 2019, and what are the challenges for Social Workers in Indonesia after the birth of Law Number 14 of 2019?

This is legal research,⁸ to answer the problems of this research; the author uses three approaches—first, the statute approach, second historical approach, and third conceptual approach.⁹ The statute approach aims to be able to examine the regulations in this paper, namely Law Number 14 of 2019 concerning Social Workers. While the historical approach is used to understand the development of social workers in Indonesia, and for a conceptual approach, in this case, in the form of concepts and theories related to the formation of laws and regulations, especially Law Number 14 of 2019 concerning social workers.

Discussion

Politics of the Formation of Social Worker Law

The formation of a law or rule certainly uses a legal theory, concept, or principle approach. The legal theory used in this paper is the protection theory. Suhardjo, Indonesia's former minister of justice, proposed this protection theory. This theory argues that "*the law aims to protect humans actively and passively.*" The meaning of the Law to protect actively is to create human conditions in society in a process that takes place naturally. While passively is to protect so that injustice of rights and their wrong use can be prevented. There are about four points to carry out those conditions: to create order and regularity; to realize true peace; to manifest social justice for all the people; and to realize welfare for the community.¹⁰

The embodiment of protection that the state wants to present is one of them by presenting the renewal or development of National Law. For Ismail Saleh, it can be expressed in three dimensions, namely, the maintenance dimension, the renewal dimension, and the creation dimension. Of the three dimensions of creation is a dimension that requires creativity because the goal is to answer the legal needs of society over time. So that a new set of

⁸Zainudin Ali, , *Metode Penelitian Hukum*, (Jakarta : Sinar Grafika, 2009), p.19.

⁹ *Ibid*, p. 9.

¹⁰Abdul Manan, , *Aspek-Aspek Penubah Hukum*, , (Jakarta : Kencana Prenda Media Group Cet. ke-4, 2013), p.23.

rules is also created for the welfare of the nation, which has never existed before.¹¹

The basic principle in the formation of legislation is that the basic ideas. Ideas can come from within or outside the state structure.¹² Coming from within means the original idea is by state institutions, governments, and structured institutions in this country. While the meaning comes from outside, namely the basic idea or idea by the general public, groups, and organizations that require regulation.

The formation of legislation guided by the basic principle that the idea comes from outside the constitutional structure, namely the general public, will lead to public participation. This provision is also regulated in the Law on the Formation of Legislation. It is the opinion of Sajipto Raharjo, explained by Sirajudin et al., that in making laws and regulations, there must be transparency and participation from the community to be useful for legal neutrality.¹³

Furthermore, to determine the aspirations of the group must pay attention to or prioritize neglected groups, the principle of strengthening the people, the position of the people as actors and facilitators, mutual learning and respect for differences, relaxed and informal principles, the principle of optimizing results, practical orientation, sustainability, learning from mistakes and openness.¹⁴

The democratic political configuration is one of the opening concepts for the community to participate in policy-making. In this sense, the government must implement the people's wishes by making rules or legislation.¹⁵ Looking at the politics of the formation of social worker legislation in Indonesia, it is necessary to have a measure that is the reason for the formation of the Law.

The first reason is historical. Social workers in Indonesia have historically existed since the pre-independence period. The movement was in the name of humanity that helped social welfare during the colonial period. They were just groups of religious organizations such as Muhammadiyah, Nahdatul Ulama, Catholic Mission, etc. It continued in the post-

¹¹ *Ibid*,14-15

¹²Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi*, (2005), Ramadhan Firdaus, Fahmi, "Pencegahan Korupsi Legislasi Melalui Penguatan Partisipasi Publik Dalam Proses Pembentukan Undang-Undang," *Jurnal Legislasi Indonesia*, Vol. 17 No. 3 - September 2020, p. 286, <https://doi.org/10.54629/jli.v17i3.679>

¹³ Sirajudin, Fathurrohman, dan Zulkarnain, *Legislative Drafting : Pelembagaan Metode Partisipatif Dalam pembentukan Peraturan Perundang-Undangan*, (Malang: Penerbit Yappika, 2006), p. 185.

¹⁴ *Ibid*, p.190

¹⁵ Moh.Mahfud MD, *Membangun Politik Hukum,Menegakkan Konstitusi*, (Jakarta: Penerbit Raja Grafindo Persada, Cetakan Ke- 4, 2017), p. 57.

independence period when the government formed the Ministry of Social Affairs and developed the regions with the nomenclature of the Social Service.¹⁶

Along with the times, science, and technology, the gap between social problems that were once small is getting bigger, plus the personnel who are engaged in helping this social dysfunction are not comparable to people with Social Welfare Problems (PMKS). Then on that basis, individuals, organizations, or private institutions appear on behalf of humanity with the principle of cooperation to help.¹⁷

Attention to the problem of social dysfunction is increasingly becoming essential and unique, so social worker organizations began to be born. At the world level, the organization is called the *International Federation of Social Workers* (IFSW), while Indonesia began establishing social worker organizations on August 10, 2011. These organizations in Indonesia formed an implementation and forum for Indonesian social workers, namely the Indonesian Social Worker Consortium (KPSI) and the Indonesian Volunteer Forum.¹⁸

The consortium was implemented by eight pillar organizations of social work in Indonesia, namely: Ministry of Social Affairs of the Republic of Indonesia (KEMENSOS RI), Indonesian National Council for Social Welfare (DNIKS), Indonesian Social Work Education Association (IPPSI), Indonesian Professional Social Workers Association (IPSPI), Indonesian Social Counselor Association (IPENSI), Indonesian Volunteer Forum, Community Social Workers Communication Forum (FK - PSM), and Indonesian Social Welfare Student Communication Forum (FORKOMKASI).¹⁹

The second reason is that Indonesia, as a country that recognizes the existence of legal sovereignty in the state, as stated in Article 1, paragraph 3 of the 1945 Constitution, certainly prioritizes one of the pillars of Law, namely the principle of legal certainty. The rule of Law, in principle, is the foundation of democracy and is a guarantee society needs.²⁰ This guarantee is needed by all levels of society without exception, including the social work profession.

¹⁶ Adetya Nuzuliani Rahma, R.Nunung Nurwati, and Budi Muhammad taftazani, *Op cit*, p. 214.

¹⁷ Lina Lisnawati, Santoso Tri Raharjo, & Muhammad Fedryansyah. *Op cit*, p. 313.

¹⁸ Official Website of the Indonesian Social Work Consortium (KPSI), accessed November 12, 2022, <https://konsorsiumpekerjaansosialindonesia.org/index.php/artikel/87-opini/120-pembentukan-konsorsium-pekerjaan-sosial-indonesia>.

¹⁹ *Ibid*

²⁰ Ospolat, Azli, et al., (2022) "Does Rule of Law Affect Economic Growth Positively?" *Research in World Economy*, Vol.7 No.1. <https://doi.org/10.5430/rwe.v7n1p107>

Legal certainty for social workers can be realized by forming laws outlined in practical values. The formation of this Law needs to be based on legal theory, one of which is the legal theory of protection which postulates that the law "*has the aim of protecting humans actively and passively.*" Through the legislature as a legislator in Indonesia, a social worker law was born, where the Law is a form of active legal protection. Through practical values by the legislature or the House of Representatives, it has directly created human community conditions in a reasonable process.

The establishment of a social worker law has essentially been stated in the preamble of the Law, along with social changes that impact social welfare problems. In society, the nonoptimal implementation of social welfare needs to be handled through professional, planned, integrated, quality, and sustainable social work practices to improve social functioning. Thus, social workers are tasked with helping the wider community experiencing problems of social dysfunction and returning to their human nature.

The presence of Law as a protector through the formation of regulations for social workers indirectly has the hope of supervising social workers, as stated by Siobhan E. Laird below:

*Supervision formalizes accountability within an agency and is the point at which agency policies and procedures are communicated by management to workers. It also informs workers about the level within their organization various decisions are made...*²¹

Examining Siobhan's opinion on the importance of supervision included in the form of laws and regulations is very effective because it can bring synchronization through communication within existing social work organizations so that through this, the government can also open up opportunities for partners or cooperation with organizations in Indonesia to achieve the ideals of one goal with social workers, namely realizing social welfare.

In addition, the presence of the social work profession, according to Damanik, can be used as a promoter to promote social change, solve problems faced by individuals and liberate people to improve welfare.²² It will become stronger if social workers have strong legislation in Indonesia.

Understanding Sugeng Pujilaksono's opinion regarding the reasons for the need for the formation of laws and regulations for the social work profession, which consists of the following five points:

²¹ Siobhan E. Laird, *Practical Social Work Law: Analyzing Court Cases and Inquiries*, (Routledge Taylor & Francis Group, 2014), p.42.

²² Juda damanik in Sugeng Pujilaksono, *Opit*, p.157.

1. Social workers are an intersection of citizens and have the same rights and obligations before the Law. Where they also involve themselves in helping to realize social welfare.
2. Social workers are a profession recognized in society, meaning there needs to be a law that serves as a legal instrument for this profession, like other professions.
3. When carrying out their duties, social workers also act as social advocates, so they are required to be able to understand aspects of the rules.
4. As one of the actors supporting the implementation of social welfare, social workers need to participate in social planning.
5. To elaborate the social planning, social workers are expected to take part in the preparation of laws and regulations both at the central and regional levels.²³

The third reason is that social workers are seen as a profession. Seeing and analyzing the definition of social workers formulated by the *International Federation of Social Workers* (IFSW) together with the general assembly of the *International Association of Schools of Social Work* (IASSW) in 2004 that social workers are;²⁴

"a practice-based profession and an academic discipline that promotes social change and development, social cohesion, and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility, and respect for diversity are central to social work." (Social work is a practice-based profession with academic disciplines aimed at promoting social change and development, social cohesion, and the empowerment and liberation of people. The principles of social justice, human rights, collective responsibility, and respect for diversity are central to social work)."

Recognition of social work as a profession experienced considerable debate in 1915 when a conference of charity and correction was held in Baltimore, Maryland, USA. The meeting questioned and debated the existence of social workers as a profession. It lasted until an expert named Ernest Greenwood 1957 put forward the criteria of a profession using the reference criteria. Then, social workers are considered to meet aspects of these criteria and are recognized as a profession.²⁵

²³ *Ibid*, p. 169

²⁴ IFSW (International Federation of Social Work) official website, accessed on November 10, 2022 <https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/>.

²⁵ Adi Fahrudin, "Pekerjaan Sosial Sebagai Disiplin Ilmu dan Profesi," *Asian Social Work Journal*, Vol.3, Issue 3, (2018), p. 43.

Along with the location of social workers seen as a profession, Dwi Heru Sukoco explained by Lina Lisnawati et al. that there need to be principles or main elements, namely, the activities carried out must be based on science, expertise/skills, and values, and these activities must be directed to the public interest.²⁶ These principles or main elements are, in Adi Fahrudin's opinion, he stated that social work as a profession needs to be based on three important elements: knowledge, attitudes, and skills.²⁷ The elements of attitude and skills are inherent in the individual's personality. Attitudes tend to be relatively functional to observe, feel, think, and act a certain way towards an object. Skills require a certain method, which can be supported through knowledge.

It should be understood that if social workers are referred to as a profession, their position is the same as other professions. Looking at the existing provisions in Indonesia, professions are legally protected and regulated by legislation. For example, Law Number 20 of 2013 regulates the medical profession, Law Number 38 of 2014 regulates the nursing profession, Law Number 18 of 2003 regulates the advocate profession, Law Number 2 of 2014, amending Law Number 30 of 2004, regulates the Notary profession, and many other regulations.²⁸

Based on these three points, the urgency of the formation of the Law on social workers by the DPR, which is also driven by the existence of the Indonesian social worker organization, is very much needed because this relates to a profession that will later help the state, in this case, the government, to overcome the social dysfunction of the community and help them to restore their social functions.

Challenges for Social Workers in Indonesia after the Birth of Social Workers Law

The birth of a rule becomes a juridical basis and a sign of legality for the provisions and provides advocacy for the provisions. The word advocacy is more familiar in the legal world, where the word's origin borrows from the Dutch language, namely, "*advocaat*" or "*advocate*" with the meaning of defense.²⁹ Examining the broad meaning, advocacy can be understood as an effort to protect and defend. The social work profession, the views of

²⁶ Lina Lisnawati dkk, *Opcit*, p. 314.

²⁷ Adi Fahrudin, *Opcit*, p. 44.

²⁸ Ministry of State Secretary, accessed November 6, 2022, <https://jdih.setneg.go.id/Produk>.

²⁹ Zulyadi, Teuku, "Advokasi Sosial," *Jurnal Al-Bayan: Media Kajian dan Pengembangan Ilmu Dakwah*, Vol. 21, No. 30, July - December 2014, p. 63, <https://jurnal.ar-raniry.ac.id/index.php/bayan/article/view/124>

Charles Zastrow, quoted by Zulyadi, defines advocacy as a form of active and directed role to modify or change one or more of its service policies.

This definition is viewed more broadly by Sheila Espine. According to her, advocacy is a strategic and integrated action carried out by individuals and groups to put an issue on the policy agenda by encouraging policymakers, in this case, the legislature, to solve the problem and building a base of support for public policies taken to solve the problem,³⁰ essentially through the birth of legislation.

The social worker law consists of 12 chapters with 69 articles, regulating the general provisions of social workers, social worker practice, social worker practice standards, education for social workers, licensing and registration, rights and obligations, organization of social workers, code of ethics council, duties and authorities, and finally the role of the community. Based on the provisions of the Law, these are the points that provide advocacy or protection for social workers.

Reviewing the content and arrangements presented by this workers' Law, several things still have not been able to advocate or protect social workers, which implies a concern or challenge for social workers after the birth of this Law.

The first point is the professional education of social workers. Article 19 of the Law on Social Workers regulates that professional education for social workers is post-graduate education organized by universities in collaboration with ministries, non-ministerial government agencies, and/or professional organizations responsible for the quality of professional services.

The profession of social workers in Indonesia, by the provisions of the Law, is required to be professional and qualified. To be able to take a professional oath, a social worker must complete a bachelor's degree in social welfare or a bachelor's degree in social work, then must become a member of the Indonesian Professional Social Workers Independent Organization (IPSPI), next take a competency test held by the Social Worker Certification Institute (LSPS), and the next stage is to take care of the Registration Certificate (STR) as a sign of a license to practice which is renewed every five years. The last is to take care of a license to practice at the Regional Government level.³¹

There are indeed advocacy or protection efforts by this Law. Still, the procedures that are so strict and can take a long time and the length of the process for obtaining a professional social worker license provide a bit of a problem for this profession. Besides that, management also involves many

³⁰ *Ibid*, p. 64.

³¹ IPSPI official website, "Sejarah Baru Pekerja Sosial di Indonesia, accessed November 17, 2022 <https://www.ipspi.org/index.php/berita/berita-dpp/193-sejarah-baru-pekerja-sosial-di-indonesia-ipspi-gelar-sumpah-profesi-perdana>.

institutions or organizations. In contrast, in the field, this profession is needed by the state to help accelerate related to the problem of social dysfunction in society. Suppose this profession is seen as an essential profession, of course. In that case, the policymakers of this Law will facilitate the licensing of the social worker profession through the unification of institutions that take care of licensing. It can be delegated to universities or only delegated to the IPSPI organization, or the government directly takes over for licensing. Seeing in other countries, education and profession have been made one roof in one college agency.

An example is the country of Brazil, where a special college or College of Social Work was established, one of which is the Federal University of Juiz de Fora (UFJF).³² The movement of social workers in Brazil began to move towards change or to a better phase, and as said by Marilda:³³

The Brazilian situation shows how the wide movement called the 'turn' of social work reflected academic formation, professional work, research, knowledge production, and political activity.

This pattern can be implemented in Indonesia to realize that the process of education and processing professions or licenses for social workers does not become long. It is enough to be made one in a college or high school devoted to the social worker profession.

In addition to the problems in Article 21 of this Law, recognition to take part in the professional education of social workers is only for graduates of the social field. In contrast, other fields are reached as social workers, for example, the health sector is only in the health sector. Social workers are also needed because social dysfunction also has an impact on a person's health, and the problem point that arises is inequality. Quoting the opinion of Paul Bywaters, one of the reasons the health sector needs social workers is:³⁴

Health inequalities are physical and emotional signs of social injustice and the contravention of human rights.

This reason is quite rational because health effects are very important, and this is also related to human rights, especially in facing the challenges of

³² Iamamoto, M. V., dos Santos, C. M., & Eiras, A. A. L. T. S. (2021). Social work in Latin America: historical factors, memory and international connections, *Critical and Radical Social Work*, 9(1), 5-14. Retrieved August 9, 2023, from <https://doi.org/10.1332/204986021X16115145109789>

³³ *Ibid*, p.11.

³⁴ Paul Bywaters, Tackling Inequalities in Health: A Global Challenge for Social Work, *The British Journal of Social Work*, Volume 39, Issue 2, March 2009, Pages 353–367, <https://doi.org/10.1093/bjsw/bcm096>

today's increasingly complex living environment. This opinion is reinforced by Danielle Jonas, who examines how *pediatric palliative* care (PPC) in the United States as a social worker in the health sector contributes significantly to New York hospitals, with the following objectives:

*PPC social workers are uniquely suited and ethically bound to develop an awareness of the foundational roots of oppression in the healthcare system and society at large, actively identify this injustice to practice settings and team members, hold such systems accountable, and seek to counteract and ultimately dismantle these systems of oppression while helping to ameliorate their downstream effects in the context of medical illness, and associated trauma.*³⁵

Health social work is also presented in China, founded by the Chinese Clearinghouse for Evidence Translation (CCET), and developed on the campuses of 13 universities, including the School of Social Work of the University of Southern California (USC) evidence-based Lanzhou University Medical Research Center and the Social Work department of Nanjing University of Science and Technology (NJUST).³⁶

The role of social workers in the health sector also has a significant contribution, so it requires skills from health graduates to fill these positions, and the Social Workers Law should open up opportunities for health workers who want to serve as social workers to help accelerate and handle health problems due to social dysfunction.

The next challenge for social work professional education is the development of technology. Social workers in this digital age are how social work professional education begins to use digital methods. Social workers must be prepared and equip themselves with technology and information skills. As explained by Jimmy A. Young, the prediction of the influence of digital technology in human interaction and information exchange in modern society is inevitable.³⁷

Therefore, education for social workers is challenged in the technology field to master it. When carrying out social work, they will also be able to

³⁵ Jonas, Danielle, "Defining Core Competencies and a Call to Action: Dissecting and Embracing the Crucial and Multifaceted Social Work Role in Pediatric Palliative Care," *Journal of Pain and Symptom Management*, Vol. 63 No. 6, June 2022. p. 741. <https://doi.org/10.1016/j.jpainsymman.2018.09.002>

³⁶ Gang Bai, Zeng, et al., "Evidence-Based Social Science in China Paper 2: The History and Development of Evidence-Based Social Work in China," *Journal of Clinical Epidemiology*, Vol. 141, 2022. p. 153. <https://doi.org/10.1016/j.jclinepi.2021.09.030>

³⁷ Jimmy A Young, "The Ethics Challenge: 21st Century Social Work Education, Social Media, and Digital Literacies," *Journal of Social Work Values & Ethics*, Spring Vol. 15, No. 1, (2018), p.20. <https://www.jswve.org/wp-content/uploads/2018/01/10-015-105-JSWVE-2018.pdf>

introduce the digital world to their clients because if digital knowledge is not mastered, it is also one of the gaps in the birth of social dysfunction in this era of globalization.

As an illustration of social workers who can adapt and utilize technology, namely social workers in Australia, in his writing, S. Harris entitled "*Australian Social Workers' Understandings of Technology in Practice*," concluded that technology extends, supports, and enhances relationships in social work practice. As social workers, they are looking for relevant ways to use technology to engage with service users and, importantly, want this engagement to be organizationally supported.³⁸

It is evidence that previously constructed barriers to embedding technology in social work practice can no longer be seen as intrinsic to social workers, as organizations set the parameters of access and activity. Social workers cite core values, such as client self-determination, as drivers of their practice, particularly when specific guidance on the use of technology is limited.

Following the **second** point, in the Law on Social Workers, there are no provisions for sanctions and criminal provisions like other laws. However, according to the legislator, the provisions refer to the Criminal Code in the event of an offense or crime. However, as a law regulating a special profession, it should also regulate sanctions or criminal provisions, especially administrative ones. It is at least to prevent malpractice by this profession or otherwise protect the existence of this profession in the event of a violation of the rights of social workers by other parties.

For laws governing professions in Indonesia, for example, the Advocates Law in Chapter XI Article 31 regulates criminal provisions. For medical education, administrative sanctions are also regulated in Chapter VI Article 58, as well as the nursing profession in the Law also regulates administrative sanctions, namely in Chapter XI Article 58. From the three samples of professional laws, administrative sanctions or criminal sanctions are regulated in them, in contrast to the social worker profession law where there are no arrangements for administrative sanctions or criminal sanctions.

If the social worker profession in practicing must have a Registration Certificate (STR) as well as medicine and nursing, in the substance of the laws of the two professions, one of the administrative sanctions is the revocation of a practice license to prevent malpractice. For the profession of social workers, there is also no certainty in Law 14 of 2019, which can create dualistic provisions in practice. So that it creates a question of whether the

³⁸ Sera Harris (2022) *Australian Social Workers' Understandings of Technology in Practice*, *Australian Social Work*, 75:4, 420-432, DOI: [10.1080/0312407X.2021.1949025](https://doi.org/10.1080/0312407X.2021.1949025)

right to impose sanctions from the organization or the government and what the procedure is like.

On the other hand, as a pioneer in helping Indonesian people affected by social dysfunction and overcome these problems, social workers are sometimes seen by the public as volunteers. While the Social Welfare Law Number 11 of 2009 distinguishes between social work and volunteers. Social workers, namely people who work in government or private agencies, are social bachelor graduates with the ability or knowledge obtained from training and practical experience of servants in dealing with social problems in the community. While volunteers who provide services in the social field, whether social graduates or non-social scholars, are only helpful and do not get rewarded for their services.³⁹

Conclusion

The democratic political configuration of the formation of Law Number 14 of 2019 concerning Social Workers has three points of reason. The first is the historical reason; social workers have existed since colonial times. They moved on behalf of humanity, pioneered by religious organizations such as Nahdatul Ulama (NU), Muhammadiyah and others. Meanwhile, after independence, a government agency was born, namely the Ministry of social affairs, and for non-governmental organizations, social worker organizations were also born in Indonesia. They work together under the basis of the fifth principle, namely, social justice for all Indonesian people. The second reason is as a rule of Law and implementing the principle of legal certainty and as a form of recognition of the social worker's existence in Indonesian who is sufficient to assist the state in dealing with problems of social dysfunction and is also the desire of a combination of social worker organizations in Indonesia to form social worker law. The third reason is that social workers, recognized as a profession, certainly require autonomous rules that govern them, like advocates, nursing, medicine, and so on.

Two things have been challenging for Indonesian social workers after the birth of law number 14 of 2019. First are the challenges of education and the Indonesian social work profession, where only social scholars are recognized and regulated by the social work law. While other fields, such as the health sector, can also contribute to social work only in the health sector. Then the procedure for educating social workers to obtain professional licenses regulated by this Law is quite complicated, starting from education held by universities, professions by organizational institutions, registration certificates through registration agencies and finally, permission to practice

³⁹ Law Number 11 of 2009 concerning social welfare StateGazette of the Republic of Indonesia Year 2009 Number 12

from the government. In America and China, the health sector gives space for social work. The second point is that every professional Law regulates the provisions of administrative or criminal sanctions, such as medicine, nursing, advocates, and so on. While this Law does not regulate the provisions of administrative or criminal sanctions in it, it is feared that malpractice by this profession will occur.

References

- A Young, Jimmy, (2018), "The Ethics Challenge: 21st Century Social Work Education, Social Media, and Digital Literacies," *Journal of Social Work Values & Ethics*, Spring Vol. 15, No. 1, <https://www.jswve.org/wp-content/uploads/2018/01/10-015-105-JSWVE-2018.pdf>
- Ali, Zainudin, 2009, *Metode Penelitian Hukum*, Jakarta: Sinar Grafika.
- Paul Bywaters, (2009), Tackling Inequalities in Health: A Global Challenge for Social Work, *The British Journal of Social Work*, Volume 39, Issue 2, March, P. 353–367, <https://doi.org/10.1093/bjsw/bcm096>
- Gang Bai, Zeng, et al., (2022), "Evidence-Based Social Science in China Paper 2: The History and Development of Evidence-Based Social Work in China," *Journal of Clinical Epidemiology*, Vol. 141, <https://doi.org/10.1016/j.jclinepi.2021.09.030>
- Sera Harris (2022) Australian Social Workers' Understandings of Technology in Practice, *Australian Social Work*, 75:4, 420-432, DOI: [10.1080/0312407X.2021.1949025](https://doi.org/10.1080/0312407X.2021.1949025)
- Jonas, Danielle, (2022), "Defining Core Competencies and a Call to Action: Dissecting and Embracing the Crucial and Multifaceted Social Work Role in Pediatric Palliative Care," *Journal of Pain and Symptom Management*, Vol. 63 No. 6, <https://doi.org/10.1016/j.jpainsymman.2018.09.002>
- Ministry of State Secretary, <https://jdih.setneg.go.id/Produk> accessed on November 6, 2022.
- Lisnawati, Lina, Santoso Tri Raharjo, and Muhammad Fedryansyah, "Eksistensi Profesi Pekerjaan Sosial Di Indonesia," *Proceedings of KS: Research & PKM* Vol 2 No 3, November 2015
- Laird, Siobhan, 2014, *Practical Social Work Law: Analyzing Court Cases and Inquiries*, Routledge Taylor & Francis Group
- Mahfud MD, Moh, 2017, *Membangan Politik Hukum, Menegakkan Konstitusi*, 4th Printing Jakarta: Raja Grafindo Persada Publisher.

- Manan, Abdul, 2013, *Aspek-Aspek Pengubah Hukum*, 4th cet. 4th, Jakarta: Kencana Prenda Media Group.
- Nuzuliani Rahma, Adetya, R.Nunung Nurwati, & Budi Muhammad taftazani, "Eksistensi Pekerja Sosial Di Indonesia," Malaysia and the United States, *Proceedings KS: Research & PKM* Vol: 2 No: 2.
- Ospolat, Azli, et al., (2022), "Does Rule of Law Affect Economic Growth Positively?" *Research in World Economy*, Vol.7 No.1 <https://doi.org/10.5430/rwe.v7n1p107>
- Pujileksono, Sugeng, 2016, *Perundang-Undang Sosial dan Pekerjaan sosial*, Malang: Setara Press.
- Ramadhan Firdaus, Fahmi, (2020), "Pencegahan Korupsi Legislasi Melalui Penguatan Partisipasi Publik Dalam Proses Pembentukan Undang-Undang," *Jurnal Legislasi Indonesia*, Vol. 17 No. 3 - September, <https://doi.org/10.54629/jli.v17i3.679>
- Rayno Dwi Adityo, (2022), "Ambiguitas Konsep Perlindungan Hukum Terhadap Pekerja Sosial", *Morality : Jurnal Ilmu Hukum*, Vol 8 No 1, p.65. <http://dx.doi.org/10.52947/morality.v8i1.253>
- Sirajudin, Fathurrohman, and Zulkarnain, 2006, *Legislative Drafting: Pelembagaan Metode Partisipatif Dalam pembentukan Peraturan Perundang-Undangan*, Malang: Yappika Publisher.
- Law Number 11 of 2009 concerning social welfare State Gazette of the Republic of Indonesia Year 2009 Number 12.
- Law Number 14 of 2019 concerning Social Workers State Gazette of the Republic of Indonesia Year 2019 Number 182.
- Iamamoto, M. V., dos Santos, C. M., & Eiras, A. A. L. T. S. (2021). Social work in Latin America: historical factors, memory and international connections, *Critical and Radical Social Work*, 9(1), 5-14. Retrieved August 9, 2023, from <https://doi.org/10.1332/204986021X16115145109789>
- IFSW official website (International Federation of Social Work) <https://www.ifsw.org/what-is-social-work/global-definition-of-social-work/>, accessed on November 10, 2022.
- Official Website of the Indonesian Social Work Consortium (KPSI), <https://konsorsiumpekerjaansosialindonesia.org/index.php/artikel/87-opini/120-pembentukan-konsorsium-pekerjaan-sosial-indonesia> accessed November 12, 2022.

IPSPI official website: <https://www.ipspi.org/index.php/berita/berita-dpp/193-sejarah-baru-pekerja-sosial-di-indonesia-ipspi-gelar-sumpah-profesi-perdana> accessed November 17, 2022.

Zulyadi, Teuku, (2014), "Advokasi Sosial," *Jurnal Al-Bayan: Media Kajian dan Pengembangan Ilmu Dakwah*, Vol. 21, No. 30, July - December, <https://jurnal.ar-raniry.ac.id/index.php/bayan/article/view/124>

