

Changing Patterns Of Industrial Relationships In The Responsive And Justice Era Of The Industrial Revolution 4.0

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Abstract.

The Industrial Revolution 4.0 in the industrial sector has brought changes, one of which is a change concerning the pattern of industrial relations between workers and employers. The pattern of industrial relations before the Industrial Revolution 4.0 was a pattern of relationships based on work agreements. While the pattern of industrial relations after the Industrial Revolution 4.0 underwent a change where the pattern of industrial relations created was based on partnership relations. The pattern of industrial relations based on partnership relations creates an equal or equal relationship and not a multilevel relationship. From the perspective of responsive law, it views the law as an inseparable part of the social world that surrounds it so that the law is not only truly functional and useful in serving the community but is also able to respond to the aspirations and social needs to be served. In a responsive legal order, law is a social institution. Therefore, law is not only seen as a mere regulatory system, but also how the law carries out social functions in and for society. From the perspective of the Theory of Justice presented by John Rawls, it can be concluded that the changing pattern of industrial relations in the Industrial Revolution 4.0 era is in line with the basic principles of justice, namely the principle of freedom and the principle of distribution of income or wealth. This can be reflected in the freedom to draw up work agreements to be made between workers and employers. Besides, the opportunity or opportunity for workers to be able to work in more than one company will encourage unequal distribution of income or wealth. For Rawls' theory, everyone has the same right to be rich, not the right to have the same wealth.

Keywords: Industrial Relations Patterns, Industrial Revolution 4.0, Responsive Law and Justice

I. INTRODUCTION

The Industrial Revolution 4.0 which is characterized by the presence and rapid progress of the internet and information technology has triggered changes in the mindset, work patterns, and lifestyle of citizens in various countries (Kristiyanti & Oktavia, 2021). In other words, the presence of the Industrial Revolution 4.0 has made everything simpler, faster, cheaper, and easily accessible. With the Industrial Revolution 4.0, the Government is required to be able to respond to changes, desires and needs of the community. The Industrial Revolution 4.0 or often referred to as the cyber physical system is a revolution that focuses on automation and collaboration between saber technologies. The 4.0 revolution itself emerged in the 21st century with the main feature being the incorporation of information and communication technology into the industrial sector (Yang & Gu, 2021). The sixth technology from the 4.0 Industrial Revolution in the development that occurred in the 4.0 industrial revolution is Additive Manufacturing which is a new breakthrough in the manufacturing industry and is often known to use 3D printers. With the advancement of the current technological era and the development of the current digital era, digital images or designs that have been created can be used as real goods with adjustable sizes and shapes. The change in the concept of industrial relations in the industrial revolution 4.0 is more inclined to the concept of industrial relations which is partnership-oriented or more of a partnership. Workers are not subordinated but become partners with employers.

The concept of industrial relations that forms a relationship of mutualism in the understanding of mutual empowerment, then between the industrial world, workers and the government is a synergy that supports economic growth. The fact that the industrial revolution 4.0 has shifted work relations (Min et al., 2019). The relationship between workers and employers is no longer in the form of an employment relationship but a partnership. The step that needs to be taken is to make adjustments to changes in the concept of industrial relations. Talking about law cannot be separated from legal theory because legal theory is like a knife that will cut legal issues. Contemporary Justice Theory proposed by John Rawls will be used to dissect the impacts that arise when there is a change in the pattern of relationships in the era of the industrial revolution 4.0. How is John Rawls' theory of justice able to explain that the basic principles of

justice are the principle of freedom and the principle of distribution of income and wealth that apply to the pattern of industrial relations in the era of the industrial revolution 4.0. From a responsive legal perspective, it will be examined how the law is able to function itself so that it is able to respond well to changes that occur as a result of the presence of the Industrial Revolution 4.0, especially regarding the pattern of industrial relations between employers and workers (K. Zervoudi, 2020). Therefore, based on the researcher's explanation above, the purpose of this study is to analyze the pattern of industrial relations in the era of the industrial revolution 4.0 that is responsive and just.

II. METHODS

The research method used is qualitative research. Qualitative research is research that is descriptive and tends to use analysis. Process and meaning (subject perspective) are more highlighted in qualitative research. The theoretical basis is used as a guide so that the research focus is in accordance with the facts on the ground. In addition, this theoretical basis is also useful for providing an overview of the research background and as a material for discussing research results (Hasudungan et al., 2020). There is a fundamental difference between the role of theoretical foundations in qualitative research and quantitative research. In quantitative research, research departs from theory to data, and ends in acceptance or rejection of the theory used; while in qualitative research the researcher starts from the data, uses existing theories as explanatory material, and ends with a theory (Lukitaningsih et al., 2022).

Qualitative research is an approach to explore and understand the meaning of individuals or groups related to social problems that can be used to interpret, explore, or gain a deeper understanding of certain aspects of human beliefs, attitudes, or behavior (Nababan et al., 2022). This study focuses on participants' perceptions and experiences, as well as how they make sense of life. While the data analysis is built inductively from specific themes to general themes, then the researcher makes an interpretation of the meaning of the data. Researchers pay more attention to individual opinions and are required to be able to translate the complexity of the situation. The data collection methods in this study were the interview method, the observation method, the literature study, and the documentation method (Hasudungan, 2021). Thus the results and sources of data collected will be maximized. The stages of research procedures carried out include three things, namely:

1. Pre-Field Stage, this stage is the initial stage carried out by researchers with consideration of field research ethics through the stage of making research proposal designs.
2. Field Work Stage, in this stage the researcher tries to prepare himself to explore and collect data to make a data analysis.
3. Data Analysis Phase, at this stage activities are carried out in the form of processing data obtained from sources and documents, then it will be compiled into a study. The results of the analysis are stated in the form of an interim report before writing the final decision.

III. RESULT AND DISCUSSION

Pattern of Industrial Relations in the Industrial Revolution Era 4.0

The world is currently facing the 4th industrial change or known as Industry 4.0. Industry 4.0 is a term that was first coined in Germany in 2011 which was marked by the digital revolution (Xu et al., 2021). This industry is a digitally connected industrial process that includes various types of technology, from 3D printing to robotics which is believed to be able to increase productivity. Prior to this there had been three industrial revolutions characterized by:

1. The invention of the steam engine and the railroad in 1750-1930;
2. The invention of electricity, communication tools, chemistry, and oil in 1870-1900;
3. The invention of computers, internet, and mobile phones in 1960-present (Satya, 2018).

Based on the Mckinsey Global Institute analysis, Industry 4.0 has a very large and broad impact, especially in the employment sector, where robots and machines will eliminate many jobs in the world. For this reason, the industrial revolution era must be addressed by industry players wisely and carefully. On the one hand, this industrial era through its connectivity and digitization is able to increase the efficiency of the

manufacturing chain and product quality. However, on the other hand, this industrial revolution will also eliminate 800,000,000 (eight hundred million) jobs worldwide until 2030 because they are taken over by robots (Satya, 2018).

Indonesia has its own industrial relations system, which is considered the most suitable and in accordance with the philosophy and culture of its people. The definition of industrial relations according to Law no. 13/2003 is almost the same as the definition of Pancasila Industrial Relations (HIP) is the relationship between the actors in the process of producing goods and services (workers; entrepreneurs and the government) based on values which are manifestations of the overall principles of Pancasila and the 1945 Constitution that grow, and develop on the personality of the nation and the national culture of Indonesia (Irawan, 2020). In the era of the industrial revolution 4.0, the relationship between workers and employers is no longer in the form of a working relationship but a partnership. According to Harijanto, looking at the pattern of working relationships that developed in the era of the industrial revolution 4.0, namely partnerships (Taryono et al., 2019). Changes in the employment relationship have an impact on wages. According to him, stakeholders have anticipated it and have developed a discourse regarding the payment of wages calculated hourly, daily, weekly, and monthly. Regarding the partnership, the basis must be the balance of the parties. For example, an employment agreement must be made based on the principle of collective agreement.

But in fact, the employment agreement was made unilaterally by the employer so that the workers were forced to sign it. "That is the function of the state to be present to neutralize the imbalance by making regulations. The regulation contains limits and sanctions for those who violate it. The ability to continue working can be achieved through skills that can change and adapt quickly, because the future employment model is no longer based on permanent employment status (Bridgstock, 2009). Therefore, the need for skills that can change and adapt quickly can be realized through strengthening the access and quality of vocational training at the Vocational Training Center. This is the basis for the Ministry of Manpower to implement the triple skill policy. The triple skill policy covers, first, the formation of skills in the form of vocational training. This policy is intended for people who do not yet have the skills so that they can enter the job market or become entrepreneurs. The second is aimed at improving skills. This skill improvement is needed so that their skills remain relevant to the needs of the times (Cavanagh et al., 2015; Hill et al., 2019). Third, re-skilling. The re-skilling program is intended for people who want to switch to a new job. These three policies can be accessed through training at the Job Training Center.

Responsive Legal Theory

Responsive law is a sociological jurisprudence model, namely a philosophical approach to law that emphasizes efforts to design socially relevant laws (Rafael, 2003). In other words, sociological jurisprudence is a science of law that uses a sociological approach. This school pays attention to the real social impact of legal institutions, doctrines and practices. A rule of law is said to be responsive if the law acts as a means of responding to social provisions and public aspirations. In accordance with its open nature, this type of law prioritizes accommodation to accept social changes in order to achieve justice and public emancipation. In Nonet-Selznick's view, responsive law is a program of sociological jurisprudence and realist jurisprudence. (Nonet & Selznick, 1978). These two doctrines are intended as a call for a more empirical legal study with a focus on the limits of formalism, the expansion of legal knowledge, and the role of policy in legal decisions (Nonet & Selznick, 1978). Responsive law is an inclusive order or system, namely a legal system that relates to non-legal sub-social self, including power. Law in a responsive legal order views itself as an inseparable part of the social world that surrounds it. Not only that, in order to be truly functional and useful in serving the community, the responsive legal order wants to embrace all social forces that can support its vitalization in responding to the aspirations and social needs to be served. In other words, a responsive legal order is a bottom-up system. In a responsive legal order, law is a social institution. Therefore, law is not only seen as a mere regulatory system, but also how the law carries out social functions in and for society.

Seeing law as a social institution means seeing the law in a broad framework, which involves various processes and forces in society. As stated by Edwin M. Schur, even though the law appears as a set of legal norms, the law is the result of a process. because the law is made and changed by human effort and always

exists in changing circumstances (Raharjo, 2000). Responsive law according to Nonet-Selznick, is an attempt to answer the challenge of synthesizing between legal and social sciences. According to them, a synthesis can be achieved if the study of legal experience rediscovers its connection with classical law, which is more academically intellectual. Law is more than just an academic field that only a few people understand (Nonet & Selznick, 1978). Legal theory is not blind to social consequences nor is it immune to social influences. The science of law gains focus and depth when it consciously considers the implications it has for institutional action and planning. According to Nonet-Setznick, to make legal science more relevant and more lively, there must be a reintegration between legal theory, political theory, and social theory (Nonet & Selznick, 1978). In Nonet-Selznick's observations, the tendency to isolate the legal system from the various social institutions around it, has resulted in a decline in the social legitimacy of the law itself. This raises the need for a responsive legal order. This need has become the main theme of all experts who agree with the functional, pragmatic, and purposive (goal-oriented) spirit, Roscoe Pound, legal realists, and contemporary critics such as the concept of the model of rules proposed by Dworkin (Nonet & Selznick, 1978).

As Frank puts it, the main goal of legal realists is to make law "more responsive to social needs" (Jerome, 1932). Frank Jerome's phrase, also used by James William Hurst, speaks of the search for a "responsive and responsible legal order capable of responding positively to changes in the social context" (JW Hurst, 1971). Like realist jurisprudence, sociological jurisprudence is also intended to provide the ability for legal institutions to more thoroughly and intelligently consider social facts in which the law is processed and applied. What is put forward in Pound's Theory regarding the balance of social interests is a more explicit attempt to develop a responsive legal model (Nonet & Selznick, 1978).

Theory of Justice

Based on John Rawls' book "A Theory Of Justice", there are three important main ideas as components of John Rawls' theory of justice. Namely: 1) Classical Utilitarianism, 2) Justice as Fairness, 3) Two Principles of Justice. The three main ideas above are the main ideas that are closely related to explaining the theory of justice from the point of view of John Rawls. Furthermore, what is utilitarianism, justice as fairness, and the two principles of justice and the relationship between them and Rawls' theory of justice will be discussed as follows: Utilitarianism is an understanding or flow that emphasizes aspects of usefulness or expediency (Ackerman, 2017). Adherents of this utilitarian school assume that the purpose of law is solely to provide the greatest benefit or happiness to as many people as possible. The most obvious form of the utilitarian view of justice is that it does not question how satisfaction is distributed among individuals any more than how people distribute satisfaction over time. The most appropriate distribution is the one that gives maximum fulfillment (Rawls, 2006). It must be admitted that the concept of utilitarian justice is basically directly related to the goal of advancing the welfare of citizens. For utilitarianism an action is morally right if it brings the greatest happiness to all or at least to as many people as possible. At first glance this simple statement is rational and makes sense. But then what is meant by happiness? How to measure it? Where are the boundaries? With the concept of 'happiness', the difficulties of utilitarianism immediately accompanies its birth.

As we know that fairness (in English) is 'honesty, fairness, worthiness'. So in other words, justice is an honesty, a fairness and worthiness. Rawls's theory is often called Justice as fairness. So the main thing is which principle of justice is the most fair, and it must be guided "that free and rational people who wish to develop their interests should obtain an equal position at the time of starting it and that is a fundamental condition for them to enter an association that is they want (Manullang, 2007). The various understandings of justice are so many, is a consequence of the substance of the theory of justice developed by thinkers about justice itself. Each thinker has a substance (theory) of justice which is definitely different, depending on their respective approaches. With regard to the theory of justice, John Rawls tries to build his theory carefully. According to him, justice does not only include moral concepts about the individual, but also questions the mechanism of achieving justice itself, including how the law participates in supporting these efforts (Manullang, 2007). With this situation, it is clear that in determining the definition of justice, both formally and substantially, it is very difficult to define it definitively. Justice can vary in its content, depending on who determines the content of justice, as well as other factors that shape the context of justice, such as the

place and time. But in general, there are formal elements of justice (according to the division of justice according to Kelsen and Rawls) which basically consists of:

1. That justice is a value that directs each party to provide protection for rights guaranteed by law (element of rights).
2. That this protection must ultimately provide benefits to each individual (element of benefit).

According to Rawls, there are two basic principles of justice. The first principle, called the principle of freedom. This principle states that everyone has the right to have the greatest freedom, equal to the same freedom for everyone, as long as he does not hurt others. Strictly speaking, according to this principle of freedom, everyone should be given the freedom to choose, become an official, freedom of speech and thought, freedom to own wealth, and so on. This principle is a principle justified by fair (neutral) people. The second principle of justice is that social and economic inequalities are regulated in such a way that (a) can be expected to benefit everyone, and (b) all positions and positions are open to all. That social and economic inequalities must help the whole community and high-ranking officials must be open to all. Strictly speaking, social and economic inequalities are considered non-existent unless these inequalities help the whole society. Then, this second principle of justice that will be justified by all fair people (Ali, 2009).

The first principle, namely freedom, tries to divide between those aspects of the social system that define and guarantee the freedom of citizens and those that indicate and reinforce socio-economic differences. Like the freedom of citizens is political freedom (right to vote and be elected to public office) along with freedom of speech and association; freedom of belief and freedom of thought; freedom of a person along with the freedom to defend property rights (personal). This freedom is required by the first principle to be equal, because citizens of a just society have the same basic rights. (Rawls, 2006).

The second principle deals with the distribution of income and wealth and with the design of organizations that employ differences in authority and responsibility, or the chain of command. While the distribution of income and wealth need not be the same, a society that applies the second principle by making its positions open to all, thus subject to this limitation, will regulate socio-economic differences in such a way that everyone benefits (Rawls, 2006).

Industrial Revolution 4.0 and Industry

The Industrial Revolution 4.0 has brought several changes in industrial relations, one of which is a change in the pattern of industrial relations between employers and workers (Kaur & Kaur, 2021). In the era of the industrial revolution 4.0, the relationship between workers and entrepreneurs is no longer in the form of a working relationship but a partnership. In a partnership relationship that is born because of a partnership agreement, it will certainly be different from a work agreement so that the law must be able to respond to this condition through the formation or drafting of laws in the field of responsive industrial relations. The state is pro-actively obliged to participate in regulating the pattern of industrial relations based on partnership relations to realize equal or equal justice. In a partnership relationship, the work agreement is no longer based on the wishes of one party but must be made based on the agreement of both parties (Slowinski & Sagal, 2010). Here workers have the freedom to determine the things that will be agreed upon in the work agreement. This is in line with the principle of freedom put forward by John Rawl, that everyone has the right to have the greatest freedom, equal to the same freedom for everyone, as long as he does not hurt others. Strictly speaking, according to this principle of freedom, everyone must be given the freedom to choose, become an official, freedom of speech and thought, freedom to own property, including the freedom to determine what is agreed upon in the employment agreement.

The first principle, namely freedom, tries to divide between those aspects of the social system that define and guarantee the freedom of citizens and those that indicate and reinforce socio-economic differences. Like the freedom of citizens is political freedom (right to vote and be elected to public office) along with freedom of speech and association; freedom of belief and freedom of thought; one's freedom along with the freedom to defend property rights (personal). These freedoms are required by the first principle to be equal, because citizens of a just society have the same basic rights. In addition, the pattern of industrial relations in the Industrial Revolution Era will be more flexible and a worker can work for more

than 1 (one) entrepreneur (Chalmers et al., 2021). This development will have an impact that workers who have the skills needed in accordance with conditions in the Industrial Revolution Era 4.0 will have adequate income compared to other workers whose skills are not good. This situation will result in an unequal distribution of income in society. According to John Rawls, the unequal distribution of income in society is referred to as social and economic inequality which is also the second principle of justice.

The principle of justice, social and economic inequality, is expected to provide benefits for all and it is hoped that all positions and positions are open to everyone (Reiff, 2012). That social and economic inequalities, must help the whole community and high officials must be open to all. Strictly speaking, social and economic inequalities are considered non-existent unless these inequalities help the whole society. So, this second principle of justice will be justified by all fair people. The second principle deals with the distribution of income and wealth and with the design of organizations that employ differences in authority and responsibility, or the chain of command (Sweeney et al., 2019). While the distribution of income and wealth need not be the same, a society that applies the second principle by making its positions open to all, and thus subject to this limitation, will regulate socio-economic differences in such a way that everyone benefits.

IV. CONCLUSION

Based on the description above, the conclusions that can be underlined are as follows: That the law must be able to respond to changes in the pattern of industrial relations from work relations to partnership relations. In other words, there must be a responsive law whose existence cannot be separated from the intervention of the government or the state. That the change in the pattern of industrial relations in the Revolutionary Era 4.0 in terms of the theory of justice as presented by John Rawls shows that there is conformity with two basic principles of justice, namely the principle of freedom and the principle of distribution of income or wealth.

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