

Legal Protection for Apprentices: A Review of Indonesian Labor Law

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Abstract

This article discusses the legal position of apprentices based on the Manpower Law as well as the obstacles and challenges faced in the implementation of legal protection. In writing this article, the author applies normative research methods, using analysis techniques on library sources such as books, journals, and sources from internet media, based on law as a norm. Labor has an important role in the development of the country, to overcome this the government has implemented various policies, one of which is the apprenticeship program. However, it is unfortunate that many apprentices do not understand their rights, this ignorance is often exploited by irresponsible companies to employ them unfairly. One of the main obstacles in the implementation of legal protection for apprentices in Indonesia is the lack of legal awareness that plagues both companies and apprentices themselves. Unclear regulations regarding legal protection for apprentices in Indonesia are one of the significant challenges in ensuring their rights are protected. Therefore, to improve legal protection for apprentices in Indonesia, a series of integrated and sustainable improvement efforts are needed.

Keywords : Legal Protection, Apprentices, Employment

INTRODUCTION

Indonesia is a country based on law, where existing legal regulations aim to achieve the welfare of society. The law is expected to provide tangible benefits in protecting, maintaining security, and creating a sense of comfort for the community. In addition, the law plays an important role in supporting the success of the country's economic development. To meet the various needs of society, every individual is expected to work. This is in line with Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to work and a decent living.

The workforce plays a very important role in the development of the country; only a qualified workforce can become a competitive advantage for Indonesia. However, until now, employment issues in Indonesia remain a significant challenge that has not been fully resolved, such as the low quality of the workforce, the imbalance between the number of workers and job opportunities, and the classic problem of high unemployment rates. To address this, the government has implemented various policies to improve the quality of human resources (HR), including the workforce. One of the efforts made is through job training. Job training aims to provide, enhance, and develop the work competencies of the workforce. This program can also be conducted through an apprenticeship system, as regulated in Article 21 of Law No. 13 of 2003 on Manpower.

Internships play an important role because they aim for learning and skill development, while also helping companies meet their workforce needs. This program provides benefits not only for companies, which can obtain a workforce that meets industry standards and their needs, but also for the interns. Participants have the opportunity to undergo training that not only enhances skills according to industry or company standards but also includes technical training and core skill development that can directly support performance improvement.

Many interns do not yet understand their rights as participants in the internship program. This ignorance is often exploited by irresponsible companies to employ them unfairly. Therefore, the internship agreement plays an important role in providing legal certainty regarding the rights and obligations of both the interns and the companies as organizers. However, if the internship agreement

does not comply with the applicable legal provisions, this can open up opportunities for the exploitation of interns, which still often occurs in various companies.

Regulations related to internships are governed by Law Number 13 of 2003 concerning Manpower, specifically Articles 21-29. These articles remain in effect as they have not been amended or revoked by the Job Creation Law. Additionally, there are two derivative regulations issued by the Minister of Manpower to specifically regulate the implementation of internships, namely Minister of Manpower Regulation Number 6 of 2020 concerning the Implementation of Domestic Internships and Minister of Manpower and Transmigration Regulation Number PER.08/MEN/V/2008 concerning Procedures for Licensing and Implementation of Overseas Internships.

METHOD

In this article, the author applies the normative research method, more commonly known as library legal research. This method uses analytical techniques on existing library sources, based on law as a norm. This legal research only uses the library study method without involving field data. The sources of legal materials used consist of primary and secondary legal materials. Primary legal materials are binding sources directly provided to the author, which in this case include applicable legislation. Meanwhile, secondary legal materials are obtained from literature studies, such as books, journals, and sources from the internet, as well as publications relevant to this research. And the technique used for collecting legal materials is library research or bibliographic research. (library research).

PROBLEM FORMULATION

1. What is the legal status of interns under the Labor Law in Indonesia, and does it provide adequate protection?
2. What are the obstacles and challenges faced in the implementation of legal protection for interns in Indonesia based on the Labor Law?

RESULTS AND DISCUSSION

The Position and Legal Protection of Interns under Employment Law in Indonesia

In the context of employment in Indonesia, interns are defined as individuals who participate in work training programs to acquire and develop skills in specific fields. According to Article 1, paragraph 11 of Law Number 13 of 2003 on Employment, internships are part of an integrated work training system, involving training in educational institutions as well as direct work implementation under the guidance of instructors or more experienced workers. The main objective is to master certain skills or expertise relevant to the world of work. Interns have a different position compared to permanent employees or freelancers. Internships place more emphasis on the process of learning and skill enhancement without making the participants part of the company's permanent workforce. In this case, the relationship between interns and the company does not fully meet the elements of an employment relationship as referred to in Article 1, point 15 of the Labor Law, which includes a work agreement involving elements of work, wages, and commands. Internships differ significantly from permanent employees and freelancers. Permanent employees have a formal employment relationship regulated by a work agreement, with broader rights such as social security, a fixed salary, and the right to severance pay if the employment relationship ends. On the other hand, freelancers work on specific projects without any long-term commitment to the company. They have high flexibility, but often do not receive protections such as social security or employment insurance. Interns, on the other hand, are in the middle of both categories. Although there are several rights granted, such as guidance, stipends, and internship certificates, their implementation often depends on the internship agreements made between the participants, companies, and educational institutions. In practice, internship programs in Indonesia often face issues, such as a lack of clarity regarding participants' rights and obligations, as well as the risk of exploitation in the form of unpaid internships. To ensure adequate protection, regulations on internships in Indonesia have included several important provisions. One of them is the obligation for companies to provide allowances and

protection against work-related risks. However, field practices show that there are still violations of these provisions, which cause losses to the interns. Thus, the legal status of interns in Indonesia remains in a vulnerable position. Although there are legal foundations in the Labor Law and Minister of Manpower Regulations, the implementation of these protections is not yet fully adequate. Therefore, stricter supervision and clearer regulations are needed to ensure that interns receive rights and protections equivalent to other workers. Interns have a legal status regulated by Article 1, number 11 of Law Number 13 of 2003 concerning Manpower. Internships are defined as part of the work training system that is implemented in an integrated manner between training at educational institutions and direct work practice under the supervision of instructors or experienced workers. The main objective of this internship is to help the interns master certain skills relevant to the workforce. In the context of regulations, interns are not fully categorized as permanent employees or contract workers. This is reflected in the provisions of the Labor Law, which do not explicitly regulate interns as part of formal employment relationships. Although interns perform tasks and responsibilities similar to permanent employees, the relationship between interns and the company does not fulfill the elements of an employment contract, such as wages and directives, which are characteristic of formal employment relationships.

Interns are often placed in vulnerable positions because they do not have the same legal protections as permanent or contract workers. Based on Articles 13 and 16 of the Minister of Manpower Regulation Number 6 of 2020 concerning the Implementation of Domestic Internships, interns are entitled to receive guidance, occupational safety and health facilities, allowances, and internship certificates. However, in practice, these rights are often not fulfilled by companies, especially in unpaid internship programs. This causes interns to often work without adequate compensation or strong legal protection. In addition, the Labor Law does not explicitly regulate dispute resolution mechanisms involving interns. In case of disputes, interns often do not have access to the same legal mechanisms as permanent employees, making it difficult for them to fight for their rights. This legal vacuum creates a gap that allows for the exploitation of interns. Thus, although interns have a legally recognized status under the Labor Law and related regulations, the legal protection provided is still limited. Strengthening regulations is needed, such as the formulation of specific rules that detail the rights and obligations of interns, including dispute resolution mechanisms and sanctions for companies that do not comply with the regulations. This is important to ensure that interns not only gain work experience but also receive legal protection equivalent to other workers. Interns in Indonesia have rights and obligations regulated by several regulations, including Law Number 13 of 2003 on Manpower and Minister of Manpower Regulation Number 6 of 2020 on the Implementation of Domestic Internships. However, the implementation of legal protections for interns often remains a challenge in practice. In the internship program, companies or educational institutions are responsible for providing adequate guidance to the interns. Based on Article 13 of the Minister of Manpower Regulation Number 6 of 2020, companies are required to provide supervisors who have competence in accordance with the field of internship. In addition, educational institutions have the obligation to ensure that internship programs run in accordance with educational standards and industry needs. The guidelines provided by the Ministry of Education and Culture, such as in the Merdeka Campus Program, also emphasize the importance of good faith from work partners (IDUKA) in complying with applicable regulations. Interns are entitled to health and safety protection (K3). This is mandated by Permenaker Number 6 of 2020, which requires companies to provide facilities that support workplace safety. In addition, interns are also entitled to receive adequate training so that their skills develop in accordance with industry needs. Another right is to receive an internship certificate as recognition of their participation in the program. This certificate is important as proof of work experience that can enhance the competitiveness of interns in the job market.

Compensation and allowances are an integral part of the protection for interns. Article 13 paragraph (1) of the Minister of Manpower Regulation Number 6 of 2020 states that interns are entitled to receive a stipend, which includes transportation and meal expenses. However, field practices show that some companies do not fulfill this obligation, especially in unpaid internship programs. However, this provision aims to ensure the welfare of interns during their internship

program. As workers without permanent employment ties, interns often face the risk of exploitation. The relationship between interns and companies cannot be equated with formal employment relationships because it does not include a legally binding employment contract. This makes interns vulnerable to injustices, such as unilateral termination of the program or unfair treatment in the workplace. To address this, regulations require a written internship agreement that outlines the rights and obligations of both the interns and the company. However, the implementation in the field still requires stricter supervision to comply with the regulations. Interns have a different legal status compared to permanent employees or contract workers. In the context of labor law, this difference results in the legal protection received by interns being much more limited compared to other workers. Workers still have comprehensive legal protection under Law Number 13 of 2003 concerning Employment, including the right to social security, minimum wage, leave rights, and protection against termination of employment (PHK). In contrast, interns do not fully possess these rights because the legal relationship formed does not fall under the definition of formal employment relationships as regulated in Article 1 number 15 of the Employment Law. Interns are only entitled to limited rights regulated by the Minister of Manpower Regulation Number 6 of 2020, such as guidance, occupational health and safety (K3) facilities, allowances, and internship certificates. However, these rights often depend on company policies, and it is not uncommon for their implementation to be inconsistent with existing regulations. This is different from permanent employees who receive their rights mandatorily based on legal provisions. A significant gap is evident in the aspects of social security and welfare. Workers still have full access to social security programs, including health insurance, work accident insurance, and old-age insurance. On the other hand, interns only receive limited benefits if agreed upon in the internship agreement. In some cases, interns do not even receive allowances or other benefits that should be provided, especially in the practice of unpaid internships. This indicates an imbalance in legal protection for interns. In addition, workers still have a clear dispute resolution mechanism through labor institutions. Interns, because they are not considered formal workers, often have difficulty accessing those mechanisms. This legal vacuum provides a loophole for companies to evade their responsibilities towards interns, further worsening their legal position.

Although interns are provided with some forms of legal protection, there is a significant gap compared to the protection received by permanent employees. Stricter regulations are needed to ensure that interns receive adequate legal protection, especially in terms of welfare and access to dispute resolution mechanisms. This is important to ensure that the internship experience not only provides work skills but also upholds the principle of justice for all parties involved. Internship programs in Indonesia have been regulated by various regulations, such as Law Number 13 of 2003 on Manpower and Minister of Manpower Regulation Number 6 of 2020 on the Implementation of Domestic Internships. However, the implementation of legal protection for interns in the field still faces various challenges that require more serious attention. One of the main issues that often arises is the lack of adequate compensation for interns. In practice, many companies do not provide stipends, even though Article 13 of the Minister of Manpower Regulation Number 6 of 2020 clearly mandates the provision of stipends that cover transportation and meal costs. Even worse, some internship programs labeled as unpaid internships exploit interns as cheap labor, without providing the rights they should receive, such as health and safety protections. (K3). This reflects the exploitation in the unbalanced employment relationship between interns and companies. Additionally, there are challenges in ensuring legal protection for interns, especially regarding their legal status, which is not recognized as permanent or contract workers. As a result, interns cannot enjoy the same legal protections as formal workers, including social security and mechanisms for resolving labor disputes. However, the internship relationship that involves work, orders, and compensation should meet the criteria of an employment relationship as stipulated in Article 1, paragraph 15 of the Labor Law. An evaluation of the existing legal framework shows that the Labor Law has not fully encompassed adequate protection for interns. Although regulations such as the Minister of Manpower Regulation Number 6 of 2020 have provided basic guidelines, their implementation in the field often does not comply with existing provisions. For example, there are still many companies that do not comply with their obligations to provide internship certificates,

workplace safety facilities, or other allowances. This indicates the need for more detailed specific regulations to govern the rights of interns, including effective oversight mechanisms and strict penalties for companies that violate them. Criticism of the implementation of internship programs also includes the lack of coordination between the government, companies, and educational institutions. Without strict supervision, internship programs risk becoming a loophole for the exploitation of inexperienced young labor. Therefore, it is necessary to revise and strengthen regulations to ensure that interns are not only considered "cheap labor," but as individuals deserving of legal protection commensurate with their contributions to the company and the workforce. The legal status of interns in Indonesia currently has several weaknesses, both in terms of regulations and implementation. Therefore, concrete recommendations are needed to ensure that interns receive adequate legal protection. One of the steps that can be taken is to update or add provisions in the Labor Law or other relevant regulations. Currently, the Labor Law and Minister of Manpower Regulation Number 6 of 2020 provide a legal basis for internship programs, but these provisions do not yet fully detail the rights of interns, such as work duration limits, minimum compensation amounts, and dispute resolution mechanisms. The addition of specific regulations explicitly designed for interns, taking into account the dynamics of the modern workforce, is urgently needed to address this requirement.

In addition to regulatory updates, supervision of the implementation of internship programs in Indonesia must be improved. Currently, weak supervision often causes interns not to receive their rights, such as allowances, social security, or internship certificates. The government, through the Ministry of Manpower and related agencies, needs to develop stricter and more transparent oversight mechanisms. One of the efforts that can be made is to create a digital reporting system that allows interns to report violations of their rights directly. With this system in place, cases of exploitation and regulatory violations can be addressed quickly and efficiently. In addition, closer collaboration between the government, companies, and educational institutions is needed. Educational institutions can play a role as initial supervisors to ensure that the internship programs offered to students comply with regulations. Meanwhile, companies should be encouraged to view interns as part of human resource investment, not just cheap labor. Awareness campaigns about the importance of respecting the rights of interns can also be an effective step to change this paradigm.

Obstacles and Challenges in Implementing Legal Protection for Interns in Indonesia

One of the main obstacles in implementing legal protection for interns in Indonesia is the lack of legal awareness affecting both companies and the interns themselves. Many companies, especially small and medium-sized enterprises, do not fully understand their legal obligations towards interns, often neglecting important aspects in internship agreements. For example, they may not realize that interns are entitled to fair compensation, reasonable working hours, and access to training and development that they should receive. This creates a situation where interns are treated unfairly, such as being required to work long hours without appropriate compensation, or even not being given adequate guidance during their internship period.

On the other hand, interns often do not have a sufficient understanding of their rights. Many of them view internships merely as learning experiences, leading them to tend to overlook the legal aspects that protect them. This lack of understanding makes them vulnerable to exploitation, where they might be forced to undertake tasks that do not align with their educational goals, or even face inhumane working conditions without adequate wages or protections. Moreover, the stigma that internships are activities that do not require legal protection exacerbates the situation, making interns feel that they do not have the right to file complaints or demand their rights. Therefore, increasing legal awareness among both parties is crucial to creating a safer and fairer internship environment. These efforts can be carried out through socialization, training, and outreach programs involving educational institutions, the government, and non-governmental organizations, to ensure that the rights of interns are recognized and respected, and to make the internship experience a beneficial and valuable process.

Unclear regulations regarding legal protection for interns in Indonesia have become one of the significant challenges in ensuring their rights are protected. Although the Labor Law provides a

legal framework that covers various aspects of employment, including provisions regarding internships, there are still ambiguities in the application and interpretation of these regulations. For example, the definition and legal status of interns are often not specifically regulated, resulting in differing understandings between companies and interns regarding their respective rights and obligations. The absence of clear guidelines regarding internship contracts, such as duration, compensation, and responsibilities, leads many companies to draft agreements that do not meet the minimum legal protection standards.

Moreover, the ambiguity in regulations is often exploited by companies to take advantage of interns, considering them as labor that does not require the same protections as permanent employees. This creates significant injustice, where interns do not receive their basic rights, such as appropriate wages, leave, and job safety guarantees. In addition, the lack of oversight from the authorities in the implementation of these regulations also worsens the situation, as many companies do not feel pressured to comply with the existing legal provisions. In addition, the ambiguity of these regulations affects the type of training and education expected of interns. If there are no strict regulations, companies may neglect their obligation to provide adequate instruction, which can result in interns not acquiring the knowledge and skills necessary to work after the internship ends. Therefore, regulations related to internships must be clarified and strengthened, and guidelines should be more detailed and specific. Thus, the formulation of clearer and more detailed regulations is crucial to creating a fair and beneficial internship ecosystem for all parties involved.

Company practices that do not comply with legal and ethical standards in the implementation of internship programs are one of the significant obstacles in protecting the rights of interns in Indonesia. Many companies, especially small and medium-sized ones, often exploit the status of interns to reduce their operational costs by employing them without providing adequate compensation. In many cases, interns are required to work long hours, even exceeding the working hours set by labor regulations, without receiving appropriate compensation. This not only creates injustice but also potentially violates human rights, where interns are treated as if they are regular workers without adequate protection.

In addition to compensation issues, improper company practices also include a lack of adequate guidance and training during the internship period. Many companies only exploit interns to complete administrative tasks or work that is not relevant to their educational goals, thereby depriving interns of the opportunity to learn and grow. In some cases, interns are even given dangerous tasks without adequate training or safety protection, which can result in the risk of injury or workplace accidents. Additionally, there are companies that do not provide clear internship contracts, making interns unaware of their rights and obligations. Without a contract, interns are vulnerable to exploitative practices; they can be forced to violate initial agreements without any consequences for the company. Furthermore, the selection and placement process for interns is not transparent. Many interns do not receive sufficient information about the jobs they are applying for, such as job descriptions and company expectations.

Therefore, it is important for companies to adopt practices that comply with legal and ethical provisions in the implementation of internship programs. This includes providing fair compensation, ensuring clear contracts, and offering adequate training and guidance. Thus, not only are the rights of the interns protected, but the company's reputation will also improve, as they demonstrate a commitment to social responsibility and human resource development. This, in turn, can create a more positive and productive internship environment, which is beneficial for all parties involved. The lack of supervision and law enforcement regarding the protection of interns in Indonesia is one of the factors worsening their conditions in the workforce. Although there are regulations governing the rights of interns, their implementation is often neglected due to a lack of attention from the authorities. The labor supervisory body, which is supposed to ensure compliance with the law, often faces resource limitations, both in terms of personnel and budget. This results in weak oversight of company practices, leading to many violations going undetected or unaddressed.

The absence of effective reporting mechanisms is also an issue, where interns may feel afraid or hesitant to report the violations they experience. The uncertainty regarding legal protection and the potential retaliation from the company makes them reluctant to take legal action. Moreover, the

slow and bureaucratic law enforcement process often makes interns feel that their efforts to seek justice are in vain. In addition, the lack of socialization regarding the rights of interns and the applicable legal provisions also contributes to the minimal enforcement of the law. Many interns do not fully understand their rights, so they do not realize when those rights are violated. Without adequate education and information about legal protections, interns become more vulnerable to exploitative practices carried out by companies.

Therefore, to enhance the protection for interns, concrete steps are needed to strengthen supervision and law enforcement. This includes enhancing the capacity of supervisory institutions, providing safe and effective reporting channels, and educational campaigns for interns regarding their rights. Thus, it is hoped that a safer and fairer work environment will be created for interns, and that companies will be encouraged to comply with existing regulations for the welfare of all parties involved. The stigma and negative perception towards interns in Indonesia have become one of the significant challenges in the effort to provide legal protection for them. Many people, including companies, still view interns as inexperienced workers who do not add significant value. This view often leads to the assumption that interns do not deserve the same treatment as permanent employees, resulting in their rights often being overlooked. This stigma not only affects the way companies treat interns but also impacts the interns' self-confidence and motivation.

Interns are often considered "free labor" who are only there to fill job vacancies, without any expectation of real contributions. This leads companies to tend to exploit them for tasks that do not align with the educational and training objectives they should be receiving. In addition, this stigma also creates an unsupportive work environment, where interns feel alienated and unappreciated. They may feel that their efforts and contributions are not recognized, which in turn can lower their spirit and motivation to learn and grow. On the other hand, this stigma also affects the public's perception of the internship program itself. Many parents and prospective interns are skeptical about the benefits of internship programs, considering them as activities that do not add value to their careers. This can lead to a decrease in interest in participating in internship programs, which should serve as an important bridge for them to enter the workforce.

To address this stigma and negative perception, a joint effort from various parties is needed, including the government, educational institutions, and companies. Awareness campaigns that emphasize the importance of interns' roles in the workplace, as well as the benefits they can bring to companies, need to be promoted. By changing the perspective towards interns, it is hoped that a more supportive and inclusive environment will be created, where the rights of interns are respected and protected, and they can contribute maximally in their learning and career development processes. To enhance legal protection for interns in Indonesia, a series of integrated and sustainable improvement efforts are needed. First, the government needs to strengthen regulations governing internship programs, including the establishment of clear minimum standards regarding compensation, working hours, and the rights of interns. This can be done by involving various stakeholders, including labor organizations, employers, and educational institutions, to ensure that the resulting regulations reflect the needs of all parties. Additionally, it is important to enhance the capacity for supervision and law enforcement through training for labor inspectors, so that they can be more effective in detecting and addressing violations occurring in the field.

The next recommendation is to provide educational and training programs for interns regarding their rights and how to report violations they may encounter. By increasing interns' awareness of their rights, it is hoped that they will be more courageous in voicing the injustices they experience. In addition, companies also need to be encouraged to adopt best practices in managing internship programs, including providing adequate mentoring and assignments relevant to the interns' fields of study. Through collaboration between educational institutions and the business world, internship programs can be designed more effectively, thereby providing maximum benefits for both interns and companies. Public awareness campaigns that focus on the stigma and negative perceptions towards interns must be conducted thoroughly. By informing people about the importance of interns and what they do for the company, it is hoped that the internship environment will become better and more supportive. If these steps are taken consistently and thoroughly, they

will enable the creation of a more fair, safe, and beneficial internship environment for all parties involved.

CONCLUSION

That the legal status of interns in Indonesia is still weak despite the existence of legal foundations in the Labor Law and related regulations. The main obstacles in the implementation of legal protection include:

Lack of legal awareness among companies and interns. The regulatory gap that specifically governs the rights and obligations of interns. The lack of government oversight regarding internship practices in the field. The negative stigma towards interns, who are often considered cheap labor without the same rights as permanent employees. This leads to many interns experiencing exploitation, such as not receiving fair compensation, lack of guidance, and unclear legal status.

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