



Juridical Analysis of Certain Time Work Agreements to Realize Legal Protection Measures for Workers (Research Study at PT. Delta Bridge Foods in Batam City)

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ABSTRACT

Based on Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation into Law, in Chapter IV Employment Part Two Article 56 which states as follows: paragraph (1) Work agreements are made for a certain time or for an indefinite time. The problem in this research is how the legal arrangements regarding fixed-term work agreements are to realize legal protection efforts for workers (Research study at PT. Delta Bridge Foods in Batam City), to find out the implementation of the law regarding Specific Time Work Agreements (PKWT) to Realize Legal Protection Efforts (Research Study at PT. Delta Bridge Foods in Batam City), to find out what factors are obstacles /obstacles and solutions in certain time work agreements to realize legal protection efforts for workers (research study at PT. Delta Bridge Foods in Batam City). Research at PT. Delta Bridge Foods in Batam City) is regulated and established but in its implementation, there are still obstacles in the field.

INTRODUCTION

Based on Law of the Republic of Indonesia Number 13 of 2003 concerning Employment, namely Article 1 paragraph (14) states that a work agreement is an agreement between a worker/laborer and an entrepreneur or employer which contains work conditions, rights and obligations of the parties. Article 1 paragraph (2) states "Labor is every person who can do work to produce goods and services both to meet their own needs and those of the community." Thus, workers/laborers are people who can work to produce goods or services, so that they get wages/income to fulfill basic economic needs, the lives of both individuals and families to realize prosperity. Therefore, legal protection efforts are needed for workers/laborers considering that at this time, the number of Indonesian workers/laborers is so large that the working population is spread throughout various countries. So, in this case, the government is of course obliged to provide legal protection efforts to workers/laborers, meaning workers in Indonesia to realize prosperity and prosperity.

Legal protection efforts to improve the welfare of workers carried out by the government so far are through law enforcement efforts in various legal fields, in this case in particular law enforcement relating to all provisions of laws and regulations regarding employment. Protection for workers/laborers can be divided into 3 (three) types, namely: 1) Economic protection, a type of protection related to efforts to provide workers with an income sufficient to meet the daily needs of family members, including the case that the workforce is unable to work due to something beyond their will. 2). Social protection, a type of protection related to community efforts, the aim of which is to enable workers to experience and develop their lives as human beings in general, and as members of society and family members or what is called occupational health. In this case regarding occupational health guarantees and freedom of association and protection of the right to organize. 3). Technical protection, a type of protection related to efforts to protect workers from the dangers of accidents that can be caused by planes or other work equipment or by materials processed or worked on by the company. This protection is called a type of Occupational Safety and Health (K3) protection.

Based on the Law above, in its implementation it regulates and stipulates regulations in its derivatives from the Law mentioned above, namely: Government Regulation of the Republic of Indonesia Number 35 of 2021 concerning Specific Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination Employment Relations (State Gazette of the Republic of Indonesia of 2021 Number 45), in Article 1 paragraph (10) states that a Work Agreement for a certain time, hereinafter abbreviated as PKWT is a Work Agreement between a worker/laborer and an Employer to enter into a Work Relationship for a certain time or work certain. Furthermore, article 1 paragraph (11) states that an Indefinite Term Work Agreement, hereinafter abbreviated as PKWTT, is a Work Agreement between a Worker/Laborer and an Employer to enter into a Permanent Work Relationship. In the case of the work agreement mentioned above, several important elements of the Work Agreement can be explained as follows: The existence of a legal act/legal event in the form of an agreement, the existence of a subject or actor, namely the

worker/laborer and the entrepreneur/employer, each of whom shares interests, makes conditions. work, rights and obligations of the parties. An agreement or engagement is a vehicle for someone to allow another person to do something or not do something.

Based on this background and the description above, it is therefore very important to carry out a more in-depth study of the ins and outs of legal protection efforts for workers/laborers based on a Fixed Time Work Agreement, so that all rights and obligations can be properly understood. which must be adhered to by the parties involved in the existence of a work agreement relationship based on a Specific Time Work Agreement (PKWT) at PT. Delta Bridge Foods in Batam City. Therefore, the author was encouraged to conduct research with a thesis entitled "Judicial Analysis of Certain Time Employment Agreements to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)".

LITERATURE REVIEW

Based on the background above, problem construction is formulated. Problem formulation is an attempt to expressly state the questions to which answers will be sought. Then between what is needed and what is available or between expectations and achievements or in short, *das sollen* and *das sein*. So, in this case, the author can draw several main problems that will be studied and analyzed by formulating main problems that will be studied and analyzed by formulating the problems as follows:

1. What are the legal regulations regarding Specific Time Work Agreements to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)?
2. How is the implementation of the law regarding Specific Time Work Agreements to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)?
3. What factors are the obstacles/obstacles and solutions in a Specific Time Work Agreement to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)?

The research objectives are based on the problem formulation stated above, so it can be seen that the objectives of this research are:

1. To find out the legal regulations regarding Specific Time Work Agreements to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)
2. To find out the implementation of the law regarding Specific Time Work Agreements (PKWT) to Realize Legal Protection Efforts (Research Study at PT. Delta Bridge Foods in Batam City)
3. To find out what factors are obstacles/constraints and solutions in Specific Time Work Agreements to Realize Legal Protection Efforts for Workers (Research Study at PT. Delta Bridge Foods in Batam City)

Theoretical Framework

According to the Big Indonesian Dictionary (KBBI), the meaning of theoretical framework is scientific principles or concepts used in research as a basis for data analysis. According to M. Solly Lubis, explaining a theoretical framework is thoughts or points of opinion, theory or thesis regarding a case or problem that can be used as material for comparison and theoretical guidance. For this research, the basis for the analysis uses several theories which are used as analytical tools and are classified into grand theory, middle theory and applied theory.

METHODOLOGY

Research Method consists of two words, namely the words method and research. The word method comes from the Greek word *methodos* which means way or towards a path. Method is a scientific activity related to a way of working (systematic) to understand a subject or object of research, as an effort to find answers that can be scientifically justified and include validity. Based on the above, this research uses writing, including the following:

1. Specifications/Type of Research: This specification/type of research only carries out analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they are easier to understand and conclude.
2. Location, population and sample: The research location that the author will carry out is PT. Delta Brigde Foods Pulau Bulan, in Batam City. The population taken in this research were employees of PT. Delta Bridge Foods in Batam City has as many as 2 (two) people. The samples in the research that were used as respondents were people who were authorized to provide information at PT. Delta Bridge Foods in Batam City.
3. Data Collection Techniques and Data Collection Tools: In this research, the author used an interview technique to collect data in the form of an open interview by holding direct questions and answers guided by the construction of questions made previously and developed during the interview.
4. Data Analysis: In this research, the data writing technique used is qualitative data analysis, namely a research procedure that produces analytical descriptive data, namely what respondents state in writing or orally, as well as their real behavior, which is researched and studied as a whole.

RESULT AND DISCUSSION

Legal Arrangements for Specific Time Work Agreements to Realize Legal Protection Efforts for Workers

A. Labor Law Protection

Legal protection is a very important protection effort given to workers/laborers who are pre-employment, currently working and at the end of a job, especially for workers who have the status of a Fixed Time Work Agreement or abbreviated as PKWT who are working at a company that is a true legal entity. must comply with the statutory regulations or laws currently in force (*ius constitutum*).

B. Employment Law

Employment law is called labor law, and even now both are still used by both legal experts and the academic world, where labor law comes from the word "arbeidsrecht". The word arbeidsrecht itself has many limitations in its meaning. Based on Law of the Republic of Indonesia Number 13 of 2003 (State Gazette of the Republic of Indonesia of 2003 Number (39), namely: article 1 paragraph (1) Employment is all matters relating to labor before, during and after the period of employment paragraph (2) every person who can do work to produce goods and/or services either to meet their own needs or for the community.

Labor is a term that is synonymous with the term personnel, which includes workers. The workers in question are those who work in individual businesses and are given work compensation on a daily or piece rate basis by the agreement between both parties, usually the work compensation is given daily. Apart from that, the definition of workforce according to BPS (Central Statistics Agency) is a mode for moving the wheels of development, the number and composition of the workforce always change along with ongoing population dynamics, and the imbalance between the number of forces and available job vacancies causes social problems to emerge.

C. Employment Agreement Law

An agreement is one of the demands of agreements in general, where each agreement has special characteristics that differentiate it from other agreements. The Civil Code in Article 1313 states: that an agreement is an act by which one or more people bind themselves to one or more other people, this definition contains the following elements:

1. Action, the use of the word "action" in the formulation of this agreement is more appropriate if it is replaced with the word legal action or legal action, because this action has legal consequences for the parties to the agreement.
2. One or more people against one or more other people, for an agreement to exist, there must be at least two parties facing each other and giving each other statements that are suitable or appropriate to each other. This party is a person or legal entity
3. Binding oneself in an agreement contains elements of a promise given by one party to another party. In this agreement, people are bound to the legal consequences that arise because of their own will

D. Specific Time Work Agreement (PKWT)

A Specific Time Work Agreement is a form of work agreement made jointly by the entrepreneur/employer with the worker/laborer for a temporary job. Workers who work with this type of work agreement are usually called contract workers. Specific Time Work Agreements (PKWT) are regulated in their implementation in Government Regulation Number 35 of 2021 concerning Specific Time Work Agreements, Power Experts, Working Time and Rest Time, and Termination of Employment Relations.

In Chapter II of the Specific Time Work Agreement, the first part is as follows: Article 2 paragraph (1) The employment relationship occurs because of the existence of a work agreement between the entrepreneur and the worker/laborer, paragraph (2) The Work Agreement is made in writing or verbally, paragraph (3) The Agreement Work made in writing is carried out by the provisions of statutory regulations, paragraph (4) Work Agreements are made for a certain time or for an indefinite time. Article 3 namely: PKWTT is implemented by the provisions of statutory regulations.

Then Part Two: Implementation of the Specific Time Work Agreement in Article 4 paragraph (1) PKWT is based on: a. Period; or b. completion of a certain job., paragraph (2) PKWT cannot be held for permanent work. In Article 5 as follows: (1) PKWT based on the period as intended in Article 4 paragraph (1) letter a is made for certain jobs, namely: a. Work that is estimated to be completed within a short time, b. Seasonal work, c. Work-related to new products, new activities, or additional products that are still under trial or exploration.

E. Wage Law

The definition of wages adheres to what is contained in the ILO (International Labor Organization) convention regarding wage protection or protection of wages, Article 1 of the International Labor Organization Convention Number 100 which has been ratified by Law Number 80 of 1957 concerning ILO Ratification Number 100, namely Remuneration includes wages or basic salary or minimum wage and any income in cash or kind by employers to workers in connection with the worker's work.

Based on Republic of Indonesia Government Regulation Number 36 of 2021 concerning Wages. In Article 1 paragraph (1) regarding the definition of wages, wages are the rights of workers/laborers which are received and expressed in the form of money as compensation from entrepreneurs or employers to workers/laborers which are determined and paid according to a work agreement, agreement or statutory regulations. -invitations, including allowances for Workers/Labourers and their families for work and/or services that have been or will be performed.

F. Social Security

Social security is a form of social protection to guarantee that all people can fulfill their basic needs for a decent life (Article 1 paragraph (1) Law of the Republic of Indonesia Number 40 of 2004 concerning the National Workforce Social Security System). Social security for workers is administered by the Social Security Administering Body (BPJS) as based on Law of the Republic of Indonesia Number 40 of 2004 concerning the National Social Security System for Workers, in principle it is an insurance system for workers (who have industrial relations) and their families. He formulated social security as a form of protection by society for its members to protect its members from risks and unwanted events that could result in the loss of all or part of their income and also aims to provide services in the form of medical insurance and also guarantees in the form of money in the event of an incident. the undesirable happens. There are several types of social security programs, article 18 states that the types of social security programs include a. Health Insurance, b. Work accident insurance, c. old age security, d. Pension Guarantee, e. Life insurance.

G. Occupational Health Safety (K3)

What is meant by work safety is safety related to machines, aircraft, work tools, materials and processing processes, the basis of the workplace and the environment as well as how to carry out work: a. Protecting workers' rights to safety in carrying out work for the welfare of life and increasing national production and productivity, b. Ensuring the safety of other people in the workplace. Implementing safety is one form of effort to create a workplace that is safe, healthy and free of environmental pollution so that it can reduce or avoid the occurrence of work accidents and work-related diseases, c. Production resources are maintained and used safely and efficiently with labor protection policies aimed at creating peace of work and business, thereby creating harmonious industrial relations between workers and employers, which in turn will improve the welfare of workers and their families.

H. Providing Compensation Money

Based on the Government of the Republic of Indonesia Regulation Number 35 of 2021 concerning Specific Time Work Agreements, Expertise, Working Time and Rest Time, and Termination of Employment Relations. In this regulation there is a third party regarding the provision of compensation money, in this case, it only applies to Indonesian workers/laborers whose employment agreement is in the form of a work agreement for a certain period and the provision of compensation money can be given if this is due to the end of the work period or the end of the employment relationship on specific time work agreement.

I. Settlement of Industrial Relations Disputes

Industrial relations and the resolution of industrial relations disputes are 2 (two) different things that cannot be separated in a case that has related relationships both bipartite, tripartite and industrial relations courts and cassation. Industrial relations are regulated in Law of the Republic of Indonesia Number 13 of 2003 concerning Employment (State Gazette of the Republic of Indonesia of 2003) while Law of the Republic of Indonesia Number 4 of 2004

concerns the Settlement of Industrial Relations Disputes. In these 2 (two) matters there is an explanation as follows: 1. Industrial Relations. Industrial Relations is the relationship between actors in the production process (workers, entrepreneurs) to produce goods and services as business results, and the government which protects and is interested in developing the national economy. If detailed, basically industrial relations include 1) Determining work agreements/collective labor agreements which are the starting point for industrial relations; 2) The obligation of the worker/laborer to carry out work on or under the direction of the entrepreneur, which also constitutes the entrepreneur's right to the work of the worker/laborer; 3) The obligation of employers to pay wages to workers/laborers which is also the right of workers/laborers to wages; 4) The end of industrial relations, and 5) How disputes between the parties concerned are resolved as best as possible.

Implementation of a Specific Time Work Agreement to Realize Legal Protection Efforts for Workers

A. Definition of Implementation

The definition of implementation is an action or implementation of a plan that is prepared carefully and in detail. Implementation is usually carried out after the planning is considered perfect. According to Guntur Setiawan, the meaning of implementation is the expansion of activities that mutually adjust the process of interaction between goals and actions to achieve them and requires a network of implementers, and an effective bureaucracy. Implementation is the provision of means to carry out something that has an impact or consequence on something. Something that is done to cause an impact or consequence can be in the form of laws, government regulations, judicial decisions and policies made by government institutions in state life. Implementation includes "a process of moving toward a policy objective using administrative and political steps" (Cleaves 1980). The function of implementation is to form a relationship that allows the goals or targets of public policy to be realized as the outcome of activities carried out by the government.

B. Implementation of Specific Time Work Agreements in Indonesia

Indonesia is a legal state based on the 1945 Constitution of the Republic of Indonesia in Article 1 paragraph (3). Laws relating to Specific Time Work Agreements, abbreviated as PKWT. In this case, the implementation or implementation is regulated in Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Expertise, Working Time and Rest Time, and Termination of Employment Relations. CHAPTER II CERTAIN TIME WORK AGREEMENT. Part one is as follows: Article 2 paragraph (1) Employment relationships occur because of the existence of a work agreement between the entrepreneur and worker/laborer, paragraph (2) Work agreements are made in writing or verbally, paragraph (3) Work agreements made in writing are implemented by provisions of laws and regulations, paragraph (4) Work agreements are made for a certain time or for an indefinite time. Article 3 namely: PKWTT is implemented by the provisions of statutory regulations.

C. Problems with Implementing Specific Time Work Agreements

Problematics is a term in Indonesian that comes from English, namely problematical, which means problem or problem. Etymologically, problematic comes from the word problem, which means problem or problem. Problems or problems regarding employment law in Indonesia have never been resolved over time, in fact, work agreements often experience problems in practice in the field.

Factors that are Obstacles/Obstacles and Solutions for Specific Time Work Agreements to Realize Legal Protection Efforts for Workers

A. Law Enforcement

Law enforcement in Dutch is called rechtshandhaving and in English, it is called law enforcement, which includes macro and micro definitions. The macro nature covers all aspects of the life of the community, nation and state, while the micro definition is limited to the examination process in court, including the process of investigation, investigation, prosecution and the implementation of criminal decisions that have permanent legal force.

Law enforcement is the process of making efforts to uphold or function legal norms as guidelines for legal relations in social and state life. Law enforcement can be carried out by a wide range of subjects and can be interpreted as law enforcement efforts that involve all legal subjects in every legal relationship. Anyone who carries out normative rules or does something or does not do something based on legal norms means he is carrying out or upholding legal rules. In a narrow sense, law enforcement is to guarantee and ensure the upholding of the law. If necessary, law enforcement officials are permitted to use coercive measures. Therefore, law enforcement from the perspective of its object is the legal aspect

B. Employment Law Enforcement

Labor law enforcement is an effort to implement labor law as it should, monitor its implementation so that violations do not occur, and if a violation occurs there are other efforts to restore the violated law so that it is re-enforced. Enforcement of labor law that has good values involves harmonizing values with rules and the real behavior of humans or workers/laborers. In essence, labor law has an interest in ensuring a prosperous life for workers/laborers, because labor law regulates the relationship between workers/laborers and companies or entrepreneurs. Weak law enforcement, according to public opinion, is caused by a legal culture that is considered not conducive to system development. Law has become part of the integrity of the national development system. To be able to build correctly, a proper legal development design is also needed.

C. Obstacles/Obstacles to Specific Time Work Agreements

Factors that become obstacles/obstacles related to work agreements at PT. Delta Bridge Foods in Batam City, in terms of this connection with certain time work agreements for workers/laborers, in general, work agreements have been prepared standardly by the company that will make the work agreement to establish a work relationship and employ the worker/laborer, where the contents of The work agreement has been made standardly by the company and the worker/laborer only signs it as a form of approval or not to the work agreement.

CONCLUSIONS AND RECOMMENDATIONS

Based on the descriptions that have been written in the previous chapters which discuss the entirety of Specific Time Work Agreements to realize legal protection for workers (Research Study at PT. Delta Bridge Foods in Batam), it is time to come to a conclusion that is part of the Chapter Closing, concluding as follows:

1. Regarding legal regulations, namely regarding the legal regulation of fixed-term work agreements to realize legal protection efforts for workers as regulated and stipulated in Law of the Republic of Indonesia Number 6 of 2023 concerning the Determination of Government Regulations instead of Law Number 2 of 2022 concerning Job Creation Becomes Law (State Gazette of the Republic of Indonesia of 2023 Number 41). In Chapter IV Employment, Part Two Employment Article 56 states as follows: in paragraph (1) Employment agreements are made for a certain time or for an indefinite time. Paragraph (2) The Specific Time Work Agreement as referred to in paragraph (1) is based on: a. Period, b. completion of a particular job. Paragraph (3) The period or completion of certain work as intended in paragraph (2) is determined based on the Work Agreement.
2. By the answer to the 2nd (two) problem in Chapter III, the implementation or implementation of legal arrangements for certain term work agreements is to realize legal protection efforts for workers/laborers at PT. Delta Bridge Foods in Batam City has implemented labor regulations by the provisions of the applicable laws but is still not fully implemented or carried out (meaning it is not perfect)
3. Several factors that are obstacles/obstacles that are still being found are cultural factors, both employers/entrepreneurs, workers/laborers and law enforcement. In the field, labor law has not yet been fully implemented.
4. By the formulation of problem 1 (one), namely the legal regulation of work agreements for a certain time to realize legal protection efforts for workers/laborers at PT. Delta Bridge Foods in Batam. In this case, as a suggestion for pre-employment/laborers to understand labor law before agreeing, this requires government intervention, namely the employment service, to socialize the rights of workers/laborers and understand the contents of a fixed-term work agreement or PKWT.

5. It is hoped that the government that makes policies in implementing labor law can provide legal protection to workers/laborers so that the ideals of the law can realize the welfare of society.
6. Solutions for Specific Time Work Agreements to Realize Legal Protection Efforts for Workers at PT. Delta Bridge Foods In Batam, in the case mentioned above, the government must consistently implement the provisions of the Republic of Indonesia Government Regulation Number 35 of 2021 concerning Specific Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment Relations, in article 1 paragraph (17) that Labor inspectors are civil servants who are given full duties, responsibilities, authority and rights by authorized officials to carry out coaching, inspection, testing, investigation and development of labor inspection systems by the provisions of statutory regulations.

FURTHER RESEARCH

This research still has limitations so further research needs to be done on this topic "Juridical Analysis of Certain Time Work Agreements to Realize Legal Protection Measures for Workers (Research Study at PT. Delta Bridge Foods in Batam City)".

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