

Legal Analysis of the Implementation of Employment Agreements for Laborers or Workers in the Industrial Sector

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This study aims to determine the implementation of work agreements and the factors that influence the implementation of agreements for laborers or industrial workers in Soppeng Regency. This research uses empirical juridical legal research methods, focusing on qualitative analysis of primary data obtained from interviews, questionnaires and secondary data obtained from literature studies written in a descriptive report. The results of the research, the implementation of the work agreement is not well implemented because there are findings that are contrary to the applicable regulations and work agreements. The legal protection of industrial sector workers is less well protected due to violations of the work agreement that are less protected. There is a need for more intensive training and education programs to improve workers' understanding of their normative rights as stipulated in the labor law, as well as the contents of the work agreements they enter into. Also the establishment of a supervisory body from each industry to oversee the protection of labor agreements that can also increase worker productivity.

INTRODUCTION

In general general agreement Work is a agreement between laborer / worker with employer / entrepreneur , in Civil Code Article 1601a explains that Agreement Work is a agreement that party first , namely laborer , tie up self For deliver his energy to party others , namely employer , with wages during a certain time . Agreement Work is a agreement between a worker with his employer with characteristic features existence promised wages as well as existence a connection Where giver Work entitled give the command that must be obeyed other party . More from That agreement Work can it is said legitimate according to Civil Code if fulfil the provisions stipulated in Article 1320 of the Law law civil , Purpose of holding agreement nothing other than the purpose law That Alone that is give protection and justice for the parties who entered into it agreement . [1]So from That can it is said that agreement Work No can let go from Constitution Protection Employment as stated in Article 52 Paragraph 1 Letter d of the Law Number 13 of 2003 states that promised work No contradictory with Regulation Applicable laws and regulations . Regulations to dream protection power Work become fortress defense to abuse , such as wages incurred cutting or even No paid , working hours excessive , and conditions dangerous work . There are strict rules give limitations and responsibilities answer for businessman For treat worker with fair and appropriate law . Protection power work also builds environment fair and conducive work for all workers , without discrimination race , ethnicity , religion, and gender. This is show commitment company to welfare its workers and encourage creation atmosphere positive and productive work .[2]

Although Constitution Number 13 of 2003 concerning Employment has made , but in in practice , still there is various challenge in implementation agreement work in Indonesia, especially in cases national in the sector industry . Some case stand out including cutting wages , where worker paid under minimum standards set by the government , regardless from provisions of the law that guarantee minimum wage as one of the form protection . [3]Long working hours without compensation adequate overtime is also problem general , often exceeding the normal limits

permitted without adequate replacement . Termination connection work (PHK) without fair procedures also become problem , where worker often fired without giving severance pay or clear reasons . As for the formulation problem in study This that is , how implementation agreement Work to worker or laborer industry in the Regency Soppeng and how protection law to worker in agreement Work sector industry in the Regency Soppeng .

METHOD

Types of research applied in studies This is approach legal empirical , purposeful For collect and analyze the data obtained through observation directly . According to with objects and approaches used studies literature , questionnaires , and interviews . The research location This implemented in the Regency Soppeng . Population covers industry service expedition delivery goods , agriculture and industry utilization results fisheries , with sample of 21 people. The type of data needed in study This are primary data and secondary data .

RESULTS AND DISCUSSION

Implementation Agreement Work To Industrial Sector Workers / Laborers in the Regency Soppeng.

Agreement Work is a agreement between workers and employers work that contains rights and obligations workers. Based on provisions of Article 51 paragraph 1 of Law no. 13 of 2003, agreement Work made in a way written or oral. Agreement work used in three location study is agreement work done in a way written as answer questionnaire from 21 respondents everything answer agreement work used made in a way written. A agreement Work can be said legitimate if fulfil appropriate conditions with provisions of Article 52 of Law No. 13 of 2003 which was adopted from provisions of Article 1320 of the Civil Code . Conditions agreement Work is Agreement second split party, ability or skills do action law, existence promised work, promised work No contradictory with order general, morality, and regulations Applicable legislation. Regency Soppeng , in particular all location study has fulfil the first condition Where a agreement must agreed by both split parties. Likewise with condition second that is ability or skills do action law in accordance with results interview with entrepreneurs and employees who said that all workers who are employed 18 years old more. [4]If a agreement Work contradictory with provision first and second so consequence law agreement Work That can canceled so as If agreement Work contradictory with provision third and fourth so consequence the law agreement Work there is null and void (quote) to 15).[5]

Table 1 Implementation Agreement Work

Indicator	Number of Responded
Always	8
Often	6
Sometimes	2
Seldom	3
Never	-

Source : Interview Results Questionnaire

Table 2 Satisfaction Implementation Agreement Work

Indicator	Number of Responded
Very satisfied	2
Satisfied	10
Enough satisfied	8
Not satisfied	1
Absolutely not satisfied	-

Source : Interview Results Questionnaire

Implementation agreement work on site study not enough implemented with well proven with answer from respondents. According to Among the 21 respondents , eight people answered company always do implementation agreement work , six people answered company often do implementation agreement work, four people answered company sometimes sometimes do implementation agreement work , two people answered company seldom do agreement work and not There is respondents who answered company No Once do implementation to agreement work . Implementation agreement Work not enough implemented with existence a invention from results interview with worker industry delivery that says that the operating hours started from 08.00 - 18.00 with day leave very a week and no existence wages overtime . Interview results with owner industry agriculture and fisheries which says that sometimes There is workers who do not understand about Contents load in agreement Work so that There is the job that should be they do But No they do .[6]

According to Article 77 of the Law number 13 of 2003 concerning employment discuss regarding working hours in a week namely 7 hours in 1 day and 40 hours in 1 week for 6 days Work in 1 week ; or 8 hours in 1 day and 40 hours in 1 week for 5 days Work in 1 week , if more from That will counted overtime . The result of interview with worker sector industry service delivery is very contradictory with Applicable laws . In Article 1338 paragraph 1 of the Civil Code and principles the law of Pacta Sunt Servanda say that All agreement made in a way legitimate applicable as Constitution for those who made it . From the results interview with owner industry agriculture and fisheries found that sometimes There is workers who do not understand about Contents load in agreement Work so that There is the job that should be they do But No they do . This is very contradictory with sound articles and principles above , the workers should be understand about Contents in agreement work so that they know obligation them . [7]From the answer Respondent about frequent obstacles happen is lack of understanding from worker about agreement Work as well as lack of understanding about law the law that regulates about agreement work . Survey results to Respondent show that one of constraint main is low level literacy law among worker related agreement work . This is indicates the need for more training and education programs intensive For increase understanding worker about rights normative those who are regulated in Constitution employment , as well as Contents agreement the work they do agree .

Factors that Influence Implementation Agreement Work Industrial Sector Workers / Laborers in the Regency Soppeng .

Internal Factors. Based on results interview and results from answer Questionnaire 9 out of 21 respondents answer change condition company be one of factor affecting implementation agreement work . Happened change condition in company can influence implementation agreement work , for example Decrease market demand . Decline market demand is phenomena that can influence stability operational and financial company . In the context of this , company face challenge For adjust business strategy use maintain sustainability operational . decline market demand impact significant to income company . For overcome problem this , company sometimes take steps internal adjustments such as Reduction of Working Hours , Companies reduce working hours employee For adapt production with decreasing market demand . This step taken For avoid

excess production and reduce cost operational . And the company sometimes do Wage Adjustment As part from management strategy finance , company do adjustment wages . Adjustment This done with consider ability financial company and needs employees . Internal changes made company own implications to welfare employees and stability operational . Therefore that , company do Communication Transparent Guard open and transparent communication with employee about reasons and purposes from changes made . The company also made evaluation periodic to policies implemented For ensure effectiveness and adjust strategies accordingly with evolving market conditions . Sometimes these internal changes No usually lasts a long time happen not enough from a month even just a number of day only and if condition company Already start get better so everything will walk as it should be .

External Factors. Based on results interview with entrepreneur , one of the factor affecting implementation agreement Work is increase price . Increase price main often has an impact significant on power buy people in the market. When the price material main increasing , consumers tend reduce purchase they , who in turn lower market demand . Decline This force company For reduce production use adapt with more requests low . Reduction production This No only influence income company but also can influence implementation agreement work , especially in matter working hours and wages regulation workers . Factors like fluctuation price material standard and cost increased production become challenge main in guard stability operational company . In addition , the reduction production consequence decline market demand can influence condition economy companies that can make economy company No stable . Companies sometimes adapt number of working hours they For reduce cost operational , which can impact on stability work for employees . However increase price main This sometimes No lasts a long time because existence role government For control return market price . So that usually happen not enough from a month even just a number of day only and if condition company Already start get better so everything will walk as it should be .

Individual Factors of Laborers / Workers. Lack of understanding worker to agreement Work be one of factor main influencing factors implementation agreement work . When workers No fully understand contents and conditions agreement work , they sometimes No realize rights and obligations they . This is can cause non-compliance to the rules that have been agreed , which in the end hinder implementation agreement Work in a way effective . For example , ignorance about procedure submission leave or provision regarding working hours can cause conflict between workers and management , which has an impact negative on productivity and relationships Work . Apart from that , the lack of understanding this can also influence motivation and satisfaction Work employees . Workers who do not understand agreement Work sometimes feel No valued or treated No fair , which can lower Spirit work and improve turnover rate . Therefore that , is very important for worker For understand with Good Contents agreement work and also understand about Constitution employment. Legal Protection Against Workers Under Agreement Industrial Sector Work in the Regency Soppeng . Indonesia is a country of law , one of the principles that should be adhered to in make agreement Work or contract Work is principle freedom contact where the parties should entitled For determine clause in the agreement .[8] However facts obtained in the field , agreements Work arranged unilaterally by the company that will employ worker or workers , so that Contents agreement the has determined by the company . Workers or laborer only need sign agreement as form consent , or they can reject agreement said . Even sometimes , Workers No read agreement Work so that happen lack of understanding worker to Contents agreement work , as well with law sometimes There is worker No know his rights in accordance with regulation that is Constitution Number 13 of 2003 concerning employment . So that at this time Lots workers who do not know about rights and obligations in regulation employment so that worker No realize that his rights has violated by entrepreneurs . Many workers don't either report violation Because Afraid lost work or No know right right they , things This show existence gap information and fear will retribution .[9]

Table 3 Legal Protection

Indicator	Number of Responded
Yes	13
No	2
Don't know	7

Source : Interview Results Questionnaire

Agreement Work give a certainty law and from certainty law the will give birth to protection law . one of principle in contact is the Principle of Pacta Sunt Servanda means agreement made applicable as Constitution for those who made it , as meant article 1338 paragraph 1 of the Civil Code. Apart from the basics there are also some law positive which also becomes protection law for workers namely : Article 27 paragraph (2) of the 1945 Constitution concerning work and livelihood worthy which is right every citizens . Article 28 D paragraph (1) of the 1945 Constitution concerning right everyone for Work as well as treated in a way fair in connection Work .[10]

Article 5 of Law No. 13 of 2003 concerning Employment , which explains that every power Work entitled For get decent job without existence discrimination ethnicity , religion, race and inter-group (SARA) and flow politics . Article 6 of Law No. 13 of 2003 concerning Employment , which explains that giver Work or businessman must give equal obligations and rights to every power Work without distinguish SARA.[11]

Law No. 2 of 2004 concerning Completion Dispute Industrial Relations . Article 78 of the Law Number 13 of 2003 concerning employment that contains about wages . Article 89 of the Law Number 13 of 2003 concerning employment that explains regarding working hours . UU no. 40 of 2004 concerning System Guarantee National Social . Rights in agreement Work based on answer from 21 respondents in the agreement his work load clause if so like wages and benefits , working hours , leave , and termination connection work . [12]In the Regency Soppeng , there is a number of institutions that play a role in monitor implementation rights workers in the sector industry . [13]One of them is the Department of Manpower and Transmigration (Disnakertrans) , which is responsible for answer on supervision employment and implementation rights workers . In addition , the Human Resources and Development Agency Human Resources (BKPSDM) is also involved in training and development competence official supervisor For ensure standard high managerial in service public . [14]Apart from institution government how the good thing is There is part special from industry in charge For supervise protection law for workers so that workers feel satisfied with implementation agreement work . [15]One of the problem in protection law to worker is lack of understanding worker to agreement work and also understanding about related regulations with agreement work . one of method face This is do socialization about agreement Work as well as existing regulations about employment in general and agreements work in particular. The findings that were found is working hours which is very long and lacking understanding worker to Contents in agreement work , law as law applicable positives and state institutions as supervisor implementation Constitution should be more notice protection to workers and workers should be understand about rights and obligations they .

CONCLUSION AND SUGGESTIONS

A agreement Work can be said legitimate if fulfil appropriate conditions with provisions of Article 1320 of the Civil Code . Implementation about condition legitimacy a agreement Work according to Article 1320 of the Civil Code implemented with good . Implementation agreement work on site study not enough implemented with good . With existence invention regarding irregular working hours in accordance with Article 77 of the Law number 13 of 2003 and violations on agreement work performed by workers . Protection law to worker in agreement work in the sector industry in the Regency Soppeng not enough protected with Good because of existence discovery of different

working hours with the working hours that have been set in Article 77 of the Law number 13 of 2003 and violations on agreement work performed by workers that is negligent in implementation Contents agreement conflicting work with Article 1338 paragraph 1 of the Civil Code and the principles Pacta Sunt Servanda law . It is recommended that it be held a more comprehensive training and education program intensive For increase understanding workers and employers Work about rights normative those who are regulated in Constitution employment , so that workers and employers Work can make agreement suitable work with applicable regulations as well as the parties who carry it out agreement Work can understand rights and obligations they . As well as the formation of a special agency For do supervision to protection law for workers so that when happen violations , rights worker No fulfilled along with worker No do obligation so can prosecuted continue with fast Because when No the existence of a special body For supervision to agreement Work sometimes the workers feel Afraid For to voice right his rights.

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