

Practice of Apprenticeship Agreement for Students According to Labor Law Number 13 Year 2003



Check for updates

Imtikhan Anas Shob'ron^{a,1}, Fithriatus Shalihah^{b,2}^a Universitas Ahmad Dahlan, Yogyakarta, Indonesia^b Universitas Ahmad Dahlan, Yogyakarta, Indonesia¹ anasimtikhan@gmail.com; ² fithriatus.shalihah@law.uad.ac.id

✉ corresponding author email

Submitted: December 27, 2022 | Revised: May 09, 2023 | Accepted: May 22, 2023

ABSTRACT

Apprenticeship agreements are only based on job training, and apprentice students do not have to work like workers in general; however, what happens in the field is that there are still many apprentice students who have not received their rights as agreed. Apart from that, there are no clear regulations regarding the rights of international students. This legal loophole is exploited by irresponsible parties to carry out apprenticeship activities that do not follow statutory provisions, especially in Law of the Republic of Indonesia No. 13 of 2003 concerning Employment. This research analyses appropriate legal protection for internship program students in defending their rights. This research was written using a normative juridical approach. The research results show that intern students can be ranked as the "labour force" because they follow the apprenticeship process, which is part of job training. Labour law protection in Indonesia only applies to interns who have completed their education, not pupils and students. To ensure legal protection, participants and apprenticeship organizers usually make a legally binding agreement in the form of an apprenticeship agreement, which contains the rights and obligations of both parties by statutory regulations. Acts of discrimination experienced by intern students, which then lead to arguments in industrial discrimination relations, are included in the category of rights. By legal regulations, the resolution of rights, especially those related to discrimination, can be carried out through procedures regulated by law, either through non-litigation or litigation.

Keywords: Apprenticeship Agreement, Student Apprenticeship, Employment Law

This is an Open-Access article distributed under the CC-BY-SA license



INTRODUCTION

As in social life, every individual in society must be able to survive or maintain their respective lives. It is important to develop human resources; improving quality and quantity is more helpful than stability in meeting the needs of each individual. One of the ways they can support themselves is by working to find a source of income. Article 28D paragraph (2) The Constitution of the Republic of Indonesia Year 1945 has at its core the right of every person to work and to receive equal and proper remuneration and treatment in labour relations (Putri, 2021). Through this arrangement, the right to work and the choice of work are determined, following his skills and abilities. The Constitution guarantees human rights. Every person has the right to decide and act on a career that suits his or her abilities.

The presence of a group of individuals who work then becomes possible labourers and/or workers, whose existence is one of the cogs driving the economy as well as being one of the balancing elements of economic viability. Indonesia is a developing country with a population based on the Worldometer report of 273.52 million people; it is recorded that the Indonesian population dominates 40.9% of the population in Southeast Asia (Cindy, 2023).

With such conditions in the country, it is very necessary to have a balance between employment facilities and human resources; this means that the quantity and quality of human resources must be sufficient and equal opportunities to obtain conditions in a country with a good, sustainable economy. Given that if the economic sector experiences a slowdown in movement, it will affect other sectors. Strengthening human resources is not only done intensively to prepare individuals who advance with their hard skills but can also develop the realm of soft skills to prepare them in advance to enter the world of work.

These preparation efforts produce a world of work with quality human resources. This is done through many things, ranging from participating in training, work practice, and preparation while still at school or campus to participating in an internship program. Moment In addition to being a graduate, one can immediately enter the world of work without having to enter the world of work you have to wait for the completion of your education first, in this case, a person will usually follow the practice of being a worker in the place/institution, which is called an apprenticeship or internship.

An apprenticeship or internship program is the practice of knowledge and skills to solve real problems around them. The main objective of the apprenticeship program is to train workers to have skills that match their needs. In addition, the apprenticeship program aims to add new skills to workers' self-development, especially learning from the ever-evolving technology (re-skilling) and improving workers' skills (International Labor Organization, 2019). Apprenticeship practice has become integral to higher education and professional training worldwide (Chairunnisa, et.al, 2018). That Apprenticeships carried out by students, have made it commonplace and always in demand, as evidenced by data from KEMDIKBUD from 2021-2023 as follows:

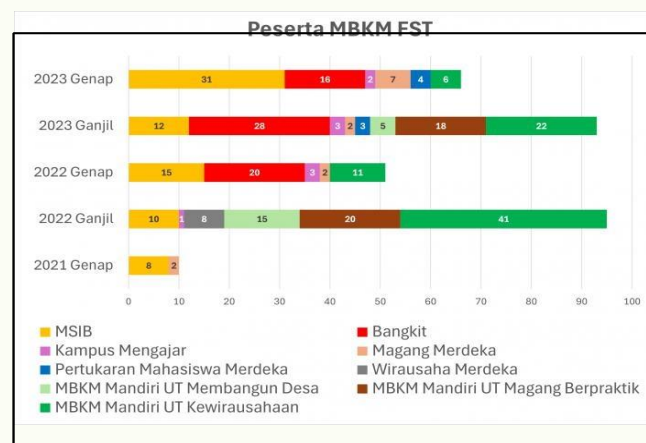


Fig. Graph of MBKM FST Participants

Source: KEMDIKBUD <https://fst.ut.ac.id/mbkm/>

Based on the picture above, apprenticeship activities have been regulated in Indonesian labour law arrangements; Article 1 number 2 of Law Number 13 of 2003 concerning Manpower (hereinafter referred to as Law 13/2003 concerning Manpower) regulates the definition of labour. However, Law 13/2003 concerning Manpower does not mention apprentices. Furthermore, in the derivative rules regarding apprenticeship, namely the Regulation of the Minister of Manpower No.6 of 2020 concerning the Implementation of the Apprenticeship Process (hereafter Called Permenaker 6/2020 concerning the Implementation of the Apprenticeship Process). In the above regulation, apprenticeship should be job training, unlike permanent workers forced to work. Reported from page detik.com, Chairul Fadly Harahap, Head of the Public Relations Bureau of the Ministry of Manpower, explained that the Minister of Manpower Regulation Number 6 of 2020 focuses only on regulating the rights of apprentices who have completed a certain level of education.

This regulation explicitly regulates aspects of apprenticeship in the context of job training, while apprenticeships related to education are not included in the scope of the regulation. The Ministry of Manpower only has the authority to request that companies that accept apprentices who are still registered as students implement the regulation (Edi, 2021). Based on this, companies or apprenticeship organizers that accept apprentices in the context of students and students reflect on Law 13/2003 on Manpower and its derivative regulations as a foundation. Furthermore, in the provisions of Article 55 Law 13/2003 on Manpower stipulates that users (companies or organizations that accept apprentices) are obliged to ensure protection to apprentices in accordance with applicable laws and regulations and their derivative rules.

This background is based on the need to investigate and understand the legal issues that arise in the practice of apprenticeship and the available remedies, especially if there are acts of discrimination against apprentices from both internal and external parties. These conflicts can be detrimental to the apprentice, damage the reputation of the apprenticeship organizer, and have a long-term impact on professional relationships in the workplace. In addition, challenges in settlement in the context of apprenticeship also need to be considered. Effective and fair settlement mechanisms must be found to maintain fairness and equity for all parties involved (Jahari & Artita, 2023). In addition, changes in legal regulations relating to apprenticeships may also affect how these legal conflicts are handled. Research on how the law protects apprentices in discriminated apprenticeship practices and their resolution mechanisms will help understand the complexity of these issues and seek better solutions to address the conflicts that arise. In addition, this research can also provide a more in-depth view of how legal regulations can be improved or updated to protect the rights of apprentices and promote fair and beneficial apprenticeship practices.

Although there are already legal regulations governing the protection of apprentices in the workplace, especially in Indonesia, which are contained in the provisions of Law 13/2003 concerning Manpower, there are often improper actions for apprentices and a lack of certainty of settlement actions. This triggers the occurrence of norms, especially for the protection of apprentices whose status is not permanent workers in the work environment. The author will analyze the problem further. The writing of this journal illustrates the element of novelty in the field of law.

Given the above background, the problem formulation is: How important is labour law in protecting the rights and obligations of apprentices during apprenticeship?

METHODS

The research method that the author uses is the Normative Juridical type; in this research what is prioritized is the system of rules or norms in positive law is the centre of his research, which found indications or prescriptions of norm limits in terms of protection of apprentices who are still students or are still in educational status (Diantha, 2016). The writing of this journal uses a statutory approach, conceptual approach, and factual approach. In the study of the above issues using primary legal sources, namely legislation, Law No.13 of 2003 concerning Manpower and Minister of Manpower Regulation No.6 of 2020 concerning the Implementation of Domestic Apprenticeship as well as regulations related to the legal issues and events discussed and secondary legal materials include books, theories, and legal literature.

LITERATURE REVIEW

Legal protection

Imtikhan Anas Shob'ron et.al (Practice of Apprenticeship Agreement....)

Definition of law According to JCT Simorangkir, quoted by CST Kansil, law is a mandatory regulation determining human behaviour in a community environment designed by an accredited public body (Kansil, 1989). According to the Legal Dictionary, law is mandatory rules set by authorized official bodies that determine human behaviour in a society, the violation of which causes action (Subekti & Tjitrosoedibio, 1980). Sudikno Martokusumo also explains the understanding of law: Martokusumo said that the law is a list of general and natural laws, which is universal because it applies to everyone. The principle is to choose what to do, what not to do or what to do. Done. It must be done, and choose how to comply with the law and choose how to comply with the rules (Mertokusumo, 2005).

The function of law, according to Satjipto Raharjo, means protecting the interests of individuals by empowering them to act according to their interests. This power distribution can be measured in a sense that is influenced by its extent and depth. Protection is defined as ensuring peace, security, happiness and tranquillity while protecting the person from dangers or risks that threaten him. Protection usually means protecting something from harmful things. It can be an advantage, an object, or a commodity. Protection also includes the concept of protection given to the vulnerable. Legal protection means that the state makes every effort to ensure legal certainty and that the law punishes perpetrators to ensure protection. Citizens so that their rights as citizens are not violated.

Apprentice labour

Apprentices are young people who still have high enthusiasm and desire to work because they want to receive decent value in addition to training. Therefore, by using proper guidance, apprentices can help improve a company's performance. The labour law regulates apprenticeship. According to the law, vocational training is one of the training systems organized in an integrated manner between training at an educational institution and working under the direct supervision and guidance of an instructor or more experienced staff; it is a department. The target is employees who are interested in acquiring or improving specific skills. According to the Labor law, apprenticeship should not exceed one year. During the internship, interns are entitled to allowances and/or travel allowances, company recognition of their qualifications and work accident insurance (labour social security).

Rights and obligations of apprentices

Apprentices have the right to:

1. Receive guidance from apprenticeship mentors or instructors
2. Obtaining the exercise of rights under the apprenticeship agreement
3. Access to occupational safety and health facilities during the internship
4. Earning pocket money
5. Enroll in a social security scheme

In addition to rights, apprentices also have obligations:

1. Abide by the Apprenticeship Agreement
2. Follow the Apprenticeship program until completion
3. Obey the rules that apply to the Apprenticeship Organizer
4. Maintain the good name of the Apprenticeship Organizer
5. Wage Provisions for Interns

Each Company has different assessment components or amounts depending on its policies regarding where the training is located. Apprentices are entitled to their rights under

Article 22(2) of the Labor Law. These rights include allowance and transportation income, labour and social security, workers' compensation insurance, and the death of exceptional apprentices.

Employment agreement

Article 1-15 of 2003 Law 13 (Labor Law) The employment relationship in the labour force is the relationship between an employer and a worker/labourer based on a work contract, including work, wages, and orders. Therefore, the employment relationship may not arise from a partnership agreement but a work contract. A work contract under Labor Law No. 13/2003 is a contract between a worker/labourer and an employer or employers, including both parties' terms, rights and obligations.

Agreement Between Apprentice Worker and Company

Article 1 of Law No. 15. Decree No. 13 of 2003 concerning Manpower (Manpower Law) confirms that employment is a relationship between an employer and a worker/labourer based on a work contract that includes work, wages, and orders. Therefore, employment relationships cannot arise from partnership agreements but from employment contracts. According to Labor Law No.13 of 2003, a work contract/employment contract is a contract between a worker/labourer and an employer or employer, including an increase in both parties' terms, rights, and obligations. An apprenticeship contract is not much different from a work or employment contract. According to the aforementioned ministerial decree, an apprenticeship agreement contains at least four elements: the rights and obligations of training participants, the rights and obligations of training organizers, the training plan, and the amount of money. The district labour department must be aware of and approve the training contract. The apprenticeship agreement cannot be executed if the department does not approve it within three working days.

Fulfilment of the Rights and Obligations of Apprenticeship Program Participants in the Agreement by the Regulation of the Minister of Manpower of the Republic of Indonesia Number 6 of 2020

According to paragraph 1 of Article 1 of the Regulation of the Minister of Human Resources of the Republic of Indonesia on implementing home internships in 2020, apprenticeship is understood as an integrated learning method in an educational institution that functions directly under supervision. Teachers or supervisors of workers/labourers who are more experienced in producing goods and services in companies that require specific skills. Colleges usually send students in the previous semester to take courses in companies or offices related to their expertise. College programs are usually included in the credits that students must earn. Responding to a learning program is undertaken by the student as it is eligible to complete the learning load. As research participants, students will be legally protected based on the Regulation of the Minister of Human Resources of the Republic of Indonesia Number 6 of 2020 concerning the Implementation of Domestic Apprenticeship. According to Article 10 of the Regulation of the Minister of Human Resources of the Republic of Indonesia Number 6 of 2020 concerning the Implementation of Internship, training must be initiated and based on a written agreement between the Internship participant and the apprentice. Service providers. Known and approved by the district/city government. The implementation of apprenticeship is guarded by Regulation No. 6 of 2020 of the Ministry of Manpower of the Republic of Indonesia. The statute is the legal umbrella for apprenticeship instructors and apprentices.

In sociological law, the law acts as a tool of social control, which aims to determine human behaviour, balance society, and create a harmonious state between social stability and change (Ashadi, 2014). The validity of a law is the process of enforcing that law. In this case, the

Decree of the Minister of Human Resources of the Republic of Indonesia Number 6 of 2020 concerning the Implementation of Apprenticeship is one of the social control tools for training organizers and trainees. Students who are required to perform well in the state apprenticeship program are also entitled to the protection of this regulation.

Forms of legal protection for interns if the internship is not by the internship agreement

Legal protection for trainees is a very weak lie; legal protection by the employer's power is given when labour laws that oblige or force companies to act by the actual law are implemented by all parties because the law does not apply juridically only (Wijayanti, 2011). The Labor Stability Act of 2003 stipulates the types of labour protection for workers: labour law protection, labour health and safety protection, labour protection and social security. Labour law protection includes Articles 69, 70, 74 and 79. Article 69: Employment of minors is prohibited. Protection of occupational safety and health. Occupational safety and health include safety, health and stripping as specified in Articles 74, 86, 87 and 88. Article 11 Conditions of employment and/or social security.

RESULTS AND DISCUSSION

This section is the most important section of your article. The analysis or results of the research should be clear and concise. The results should summarize (scientific) findings rather than provide data in great detail. Please highlight differences between your results or findings and the previous publications by other researchers. For tables and Figures, you need to sound the table and figure.

Based on the opinion of Molenaar, labour law is explained as *Arbeidsrecht* (labour law), which is part of the applicable law that regulates the relationship between workers and employers, between workers and workers, and between workers and employers (Ramli, 2020). The definition described is shown in the background of the birth of labour law because other than that, regarding employment in terms of determining working conditions between the person who works and the employer, it is free to determine it. Regarding apprenticeship activities in Indonesian Labor Law contained in Law 13 of 2003 concerning Manpower, its regulation contained in Article 1 number 11 regulates apprenticeship as part of a job training system that is organized in an integrated manner between training at training institutions and working directly under the guidance and supervision of instructors or more experienced workers/labourers, in the process of producing goods and / services in companies, in order to master specific skills or expertise. Article 1 point 9 states that vocational training can be interpreted as a series of activities aimed at improving work skills, developing work power, discipline, attitudes, and work culture at a certain level of proficiency by the position or job concerned.

Based on the definition given in Law 13 of 2003 concerning Manpower regarding apprenticeship activities followed by participants or apprentices, the protection and legal regulation as a foothold are Law 13 of 2003 concerning Manpower this is because these provisions do not define the word work; however it is stated that apprenticeship is part of the job training system by working directly under the guidance and supervision of more experienced people (Alfatah & Maghfiroh, 2022). So, participants or workers in an apprenticeship can be accepted as workers because they are part of vocational training. In the context of apprenticeship, there are a number of procedures that have been described in the law that both participants and organizers must observe and implement (Arindrajaya, 2021). The process procedures related to apprenticeship include several aspects, such as the requirements for organizing apprenticeship, criteria for apprenticeship, apprenticeship agreements, length of apprenticeship period, and supervision.

Regarding the provisions of the apprenticeship process in more detail, it is regulated in Permenaker 6 of 2020 concerning implementing Apprenticeship in the Country. Apprenticeship organizers are companies that have met the requirements for organizing apprenticeships. It is important to realize that not all companies can conduct apprenticeship programs (Lutfia, 2020). For companies that want to implement apprenticeship, the Company must comply with the requirements stipulated in Article Permenker 6 of 2020; these requirements include: a) Training Unit, b) Apprenticeship Program, c) Facilities and Infrastructure, and e) Apprenticeship Guidance or instructors. In addition, apprentices also have criteria, terms and conditions that must be met. Permenaker 6 of 2020, in Article 9, paragraph (1) defines domestic apprenticeship participants as (1) job seekers or (2) workers who will improve their competence. The requirements for apprentices in this provision are a minimum age of 17 years for job seekers, good physical and mental health, passed selection and a letter of parental consent.

Establishing working relationships between participants and apprenticeship organizers must be based on an apprenticeship agreement (Wijayanti & Wahyuni, 2023). In implementing apprenticeship activities, participants and employers must make a written apprenticeship agreement as a reference for implementation (Article 22 paragraph (1) of Law 13/2003 on Manpower). With this, the rights and obligations of apprentices are adjusted to the employment agreement or agreement based on the laws and regulations. Referring to the provisions of Article 10, paragraph (2) stipulates that the apprenticeship agreement between the Company and apprentices is explained in detail and must contain several things, namely: Rights and obligations of apprentices, Rights and obligations of apprenticeship organizers, Apprenticeship program, Apprenticeship period, Amount of pocket money.

Based on the provisions of Article 22 paragraph (3) of Law 13 of 2003 concerning Manpower, apprenticeships that are not organized through apprenticeship agreements, as referred to in paragraph 1, are considered invalid, and the status of the participants changes to workers or labourers of the Company concerned. Regarding the material and regulation of the rights received by apprentices in detail is contained in Article 13, paragraph (1) of Permenaker 6 of 2020 concerning the Implementation of Apprenticeship in the Country, which contains:

1. The apprenticeship supervisor or instructor has the right to provide guidance;
2. Obtain rights by the apprenticeship agreement;
3. Obtain occupational safety and health facilities during the internship process;
4. Earning pocket money;
5. Apprentices are included in social security programs, and;
6. Receive a certificate or certificate of participation in the apprenticeship.

Regarding the obligations that apprentices must fulfil, Article 14 states:

1. Comply with the apprenticeship agreement;
2. Participate in the internship program until the term is completed;
3. Implement the rules that apply to the apprenticeship organizer and;
4. Maintain the good name of the internship site.

Through the rights and obligations that have been fulfilled to apprentices given by the apprenticeship organizer contained in the apprenticeship agreement, it is expected to be a form of guarantee and legal certainty to protect the rights and obligations of both participants

and apprenticeship organizers. This agreement has a broader function: to prevent the exploitation of apprentices by regulating various aspects, including the period of apprenticeship, workload, and working hours (Agista & Ngaisah: 2023). However, in the rights and obligations received by apprentices, some things are less regulated in existing labour law, namely protection in terms of settlement in the event of a settlement or transportation between the organizer and the participant or external parties with apprentices. The agreement's enforceability as a form of law also protects and respects human rights (HAM) and maintains the dignity of apprentices.

What is highlighted in the context of the acquisition of apprentices' rights is the position or status received during the apprenticeship process, which is sometimes unequal. In apprenticeship, there is a stereotype that the presence of apprentices are positioned as individuals looking for work or practical experience and are the ones who need and depend on apprenticeship organizers (Agista & Ngaisah, 2023). This creates a vulnerability in terms of leading to intimidation and, sexism, violence, and harassment, which are considered standard. Discrimination sometimes comes not only from internal companies but also from apprentices who deal with external parties. In June 2019, the International Labor Organization (hereinafter ILO) ratified Convention 190 on the Convention on Preventing and Combating Violence and Harassment at Work and in Public Places of Work, which is an international treaty adopted by the ILO in 2019. The Convention aims to address the issue of violence as well as disclose the work environment that is often experienced by workers, including women workers. Some important points related to ILO Convention 190 can be summarized as follows:

1. Protection: The Convention emphasizes the need to prevent and combat all forms of discrimination in the form of violence, intimidation, and or disclosure in the workplace, whether physical, psychological, or sexual.
2. Scope: The Convention covers all sectors of the economy and types of work, both formal and informal. This includes workers in the private and public sectors as well as self-employed workers.
3. Definition and Prevention: ILO Convention 190 defines violence and breaking in the workplace domain. It obliges state parties to adopt effective policies and measures to prevent it, including the necessary education and training.
4. Employer Responsibilities: The Convention emphasizes that employers have a duty or responsibility to establish an ethos and safe workplace free from violence and thought. They are also expected to ensure gender equality and non-discrimination.
5. Participant Rights: ILO Convention 190 also gives workers the right to report violence, describe what they have experienced, and obtain legal protection and access to justice.

Every country that has ratified ILO Convention 190 must implement its principles in labour laws and practices (Pratiwi, 2023). The aim is to create a safe working environment, respect human rights, and address the serious problems associated with discrimination in the workplace. To protect apprentices in apprenticeship providers in Indonesia, several

provisions and legal arrangements have been issued by the government to provide comprehensive legal protection. These laws and regulations include Law No. 13/2003 on Manpower, Minister of Manpower Regulation No. 6/2020 on the Implementation of Domestic Apprenticeship, and Minister of Manpower and Transmigration Regulation No. Per.08/Men/V/2008 on Licensing Procedures and Implementation of Overseas Apprenticeship: Per.08/Men/V/2008 on the Procedures for Licensing and Organizing Apprenticeship Abroad. However, in the Permenaker 6/2020, some provisions tend to lead to discrimination. In the provisions of the requirements for apprentices who must be physically and mentally healthy, this can be misinterpreted because there are workers with disabilities who cannot meet these requirements. In addition, the Manpower Law and its subsequent regulations cannot be said to overshadow and provide optimal protection of rights and obligations and protection against discrimination.

The status or position as an apprentice in a company, especially for domestic apprenticeship in Indonesia, sometimes gets a less favourable response (Wijaya & Waluyo, 2023). This response is usually obtained from colleagues who are permanent employees of the company and external parties if the apprentice is dealing directly with consumers, partners, or company partners. This also opens up the possibility of discrimination against interns. The discrimination obtained is, of course, different, such as violence (physical, mental, and sexual), questioning, discrimination based on gender, religion, minority groups and so on. Based on Rafael La Porta's views, the protection a state provides has two characteristics: preventing or preventive measures (prohibited) and providing sanctions as punitive measures (sanction) (Armeilia, 2021).

According to Imam Soepomo, legal protection given to workers covers five aspects of labour law, namely: 1. deployment/placement, 2. labour relations, 3. occupational health, 4. Occupational safety, and 5. labour social security (Afrita, 2021). Law 13/2003 on Manpower and its derivatives also protects apprentices by realizing protection through apprenticeship agreements between apprentices and companies with binding legal force. In labour law, so that the apprenticeship process does not cause irregularities, the apprenticeship program is further regulated by the Manpower Supervisor by Article 28, paragraph 1 of Permenaker 6/2020.

A news story from Kompas.com on September 7, 2023, mentioned that TikTtok celeb Luluk Nuril yelled at an apprentice student from the Probolinggo area (Faisol, 2023). The video then went viral on social media and caused criticism from various parties. With the viral upload, the initials LN and her husband were followed up by Propam and the perpetrator's husband was then terminated from his position. The student intern was traumatized by the incident but later improved after receiving support from various parties. The intern's parents also held a mediation with the school and representatives from the shopping centre to resolve the issue. Nevertheless, the incident shows that there are still shortcomings and weaknesses in the implementation of internship programs in Indonesia, such as the provision of supervision and legal protection for interns.

Apart from these cases, there is still more discrimination that occurs in apprenticeships in Indonesia; apprentices who are the injured party sometimes find it very difficult if they get discriminated against, especially when asking for justice. In this realm, if there is a thickness

or dispute between the company and apprentices because this party is intertwined in an employment relationship and an apprenticeship agreement has bound its implementation, then resolving the settlement that occurs can be done by Law Number 2 of 2004 concerning Industrial Relations Settlement (hereinafter referred to as Law 2/2004 concerning PPHI). There are 4 (four) types of industrial relations disruptions stipulated in Article 2 of Law 2/2004 on PPHI, namely the disruption of rights, interests, termination of employment, and welfare between trade unions/labour unions in only one company. When the same thing happens, he can see the view of rights where providing rights regarding work safety has not been fulfilled; then, in the settlement process, he can use the guidelines in Law 2/2004 on PPHI. The process of resolving industrial relations regarding interference with rights by Law 2/2004 concerning PPHI can be done through several ways, one of which is the non-litigation route, among others:

- a. Bipartite: This settlement is carried out by consensus of both parties without any intervention by any party.
- b. Mediation: Mediation resolves industrial relations disputes by conducting deliberations mediated by mediators available in each agency office responsible for district/city labour (Mantili, 2021). The mediator is a facilitator and provides problem-solving assistance without decisionmaking authority over the disputing parties. If the nonlitigation legal efforts are unsuccessful, the resolution of the disruption can be continued through the stages or processes of the Industrial Relations Court (PHI).

CONCLUSION

The conclusion contains a description that should answer the problem(s) raised and answer the objectives of the research. Provide a clear and concise conclusion. Do not repeat the Abstract or simply describe the results of the research. Give a clear explanation regarding the possible application and/or suggestions related to the research findings. Apprentices are included in the category of "labour" because they carry out the apprenticeship process, which is included in job training. The apprenticeship process in Indonesia still opens up opportunities for discriminatory actions against apprentices; the protection provided by the state through labour law regulations contained in Law 13 of 2003 concerning Manpower and Minister of Manpower Regulation No. 6 of 2020 concerning the Implementation of the Apprenticeship Process still exists. Apprenticeship agreements are carried out based on the rights and obligations of student participants, the rights and obligations of Student organizers, Student Programs, and Student Periods. The rights of students are to get the guidance, get the implementation of rights by the student contract, get safety equipment and work hygiene at the time of graduation of students, participate in social security, get a certificate of participation in apprenticeship and get money. Objective costs include transportation costs, food subsidies, and incentives for interns, which are limited in coverage and have not been further regulated, especially for interns who tend to be still students and students in the scope of education.

If apprentices are protected by law, their rights and obligations will be further outlined in the apprenticeship agreement. If there is a collision, one of which is an act of discrimination, then in the settlement process, the apprentice can refer to the provisions of Law No.2 of

2004 concerning PPHI. The settlement process can be carried out through non-litigation channels (bipartite and mediation) and litigation through the Industrial Relations Court.

Preventive legal protection against student interns in the Company refers to the Civil Code, which regulates the law of agreements. The repressive legal protection that can be sought if apprentices feel that their rights are not fulfilled can be through a non-litigation settlement mechanism through negotiations or litigation by suing the Company based on a default lawsuit and seeking mediation in court first.

Seeing the rampant irregularities committed by companies in fulfilling the rights of apprenticeship students, it is recommended that apprenticeship students and companies increase literacy about apprenticeship regulations to understand the position of rights and obligations of each party in apprenticeship. Companies should involve more apprentices' participation in entering into apprenticeship agreements from the pre-contract to post-contract stages to create a balance between the interests of both parties. The Indonesian government is expected to be able to revise existing laws and regulations or create new legal products under the Ministry of Education, Culture, Research and Technology (Kemendikbudristek), specifically regulating student apprenticeships, especially regarding the determination of the minimum amount of pocket money, supervision of apprenticeship implementation, and regulation of sanctions if the company does not fulfil the apprenticeship agreement to overcome the legal vacuum that creates a gap for exploitation in the practice of student apprenticeships.

ACKNOWLEDGMENT

The preferred spelling of the word “acknowledgment” in America is without an “e” after the “g.” Avoid the stilted expression “one of us (R. B. G.) thanks ...”. Instead, try “R. B. G. thanks...”. Put sponsor acknowledgments in the unnumbered footnote on the first page.

AUTHORS' DECLARATION

- Author contribution** : The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation, and discussion of results. The authors read and approved the final manuscript.
- Funding statement** : None of the authors have received any funding or grants from any institution or funding body for the research.
- Availability of data and materials** : All data are available from the authors.
- Conflict of interest** : The authors declare no conflict of interest.
- Additional information** : No additional information is available for this paper

REFERENCES

Book

- Diantha, I. Made Pasek. (2016). *“Metodologi penelitian hukum normatif dalam justifikasi teori hukum.”* Jakarta: Prenada Media.

- Kansil, C.S.T. (1989). *"Pengantar Ilmu Hukum Dan Tata Hukum Indonesia"*. Jakarta: Balai Pustaka.
- Mertokusumo, Sudikno. (2005). *"Mengenal Hukum: Suatu Pengantar"*. Ed.1 Cet.1. Yogyakarta: Kebebasan.
- Organisasi Perburuhan Internasional. Pemagangan Yang Berkualitas. (1019). *"Buku Informasi untuk Serikat Pekerja"*. Jakarta: Kementerian Ketenagakerjaan Republik Indonesia.
- Ramli, Lanny. (2020). *"Hukum ketenagakerjaan"*. Surabaya: Universitas Airlangga Press.
- Reksohadiprodjo, Sukanto, dan T. Hani Handoko. (2000). *"Organisasi Perusahaan: Teori, Struktur Dan Perilaku"*. Cet.ke-12. Yogyakarta: BPFEE.
- Subekti, dan R. Tjitrosoedibio. (1980). *"Kamus Hukum"*. Cet. 5. Jakarta: Pradnya Paramita.
- Wijayanti, Asri. (2011). *"Menggugat Konsep Hubungan Kerja"*. Bandung: Lubuk Agung.

Paper in Journal

- Agista, R. T., & Ngaisah, S, *"Perlindungan Hukum bagi Pekerja Magang Ditinjau dari Peraturan Perundang-Undangan Tentang Ketenagakerjaan. DE RECHT"* (Jurnal Kepolisian dan Penegakan Hukum), (2023): 48-60.
- Alfattah, H., & Maghfiroh, A.A, *"Analisis Yuridis Mengenai Program Magang Kampus Merdeka"*. Jurnal Kelompok Riset Dan Debat, 1, (2022): 1-16.
- Arindrajaya, Safina. Calistamalva., Setiyani, Devy., & Santoso, A.P.A, *"Efektivitas Implementasi Peraturan Menteri Ketenagakerjaan Republik Indonesia Nomor 6 Tahun 2020 Terhadap Hak Mahasiswa Sebagai Peserta Pemagangan. Indonesia"* Jurnal Reformasi Hukum1, (2) (2021): 197-208.
- Armeilia, D, *"Perlindungan hukum dan hak memperoleh keselamatan kerja bagi tenaga kesehatan akibat pandemi Covid-19"*. Al-Adl: Jurnal Hukum 13, (2021): 303-319.
- Diab, Ashadi L. *"Peranan Hukum Sebagai Social Control, Social Engineering dan Kesejahteraan sosial"*. Jurnal AlAdl 7, no. 2 (2014).
- Djumaldji, F.X., dan Wiwoho Soedjono. *"Perjanjian Perburuhan Dan Hubungan Perburuhan Pancasila"*. Jakarta: Bina Aksara, 1982.
- Indra Afrita, S.H, *"Hukum Ketenagakerjaan dan Penyelesaian Sengketa Hubungan Industri di Indonesia"*. Absolute Media, (2021).
- Jahari, A., & Artita, Rahmatin, *"Perlindungan Hukum Terhadap Pekerja Akibat Pemutusan Hubungan Kerja Tanpa Pesangon Berdasarkan Undang-Undang Nomor 13 Tahun 2003 Dan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja"*. Kasus Hukum: Jurnal Hukum 4, (2) (2023): 79-100.
- Lutfia, D. Dinasty., & Rahadi, D. Rianto, *"Analisis Magang Bagi Peningkatan Kompetensi Mahasiswa"*. Jurnal Ilmiah Manajemen Kesatuan 8, (3) (2020): 199-204.
- Mantili, R, *"Konsep penyelesaian hambatan hubungan industrial antara serikat pekerja pekerja dengan perusahaan melalui Proses Gabungan (Med-Arbitrase)"*. Jurnal Bina Mulia Hukum 6, (1) (2021): 47-65.
- Putri, A.H.P. *"Menganalisis Perlindungan Hak Asasi Manusia Terhadap Tenaga Kerja"*. De Cive: Jurnal Penelitian Pendidikan Pancasila dan Kewarganegaraan, 1, 8 (2021); 277-287.
- Pratiwi, D. A, 2023. *"Perlindungan Hukum Tenaga Kerja Alih Daya Dalam Undang Undang Cipta Kerja"*, Disertasi Doktor, Universitas Islam Sultan Agung.
- Ramadhani, D. A. *"Implementasi Undang-Undang Ketenagakerjaan Dalam Perjanjian Kerja Antara*

Perusahaan Dan Tenaga Kerja Di Perseroan Terbatas (PT)". Jurnal Yuridis 5, (2) (2018): 186-209.

Wijaya, R.C.V., & Waluyo, W, "*Perlindungan Hukum Terhadap Peserta Remote Paid Magang Berdasarkan Hukum Ketenagakerjaan*". Jurnal Hukum Media Justitia Nusantara (MJN) 13, (1) (2023):54-61.

Wijayanti, M., & Wahyuni, S, "*Penyelesaian Sengketa Hak-Hak Peserta Magang Melalui Jalur Non-Litigasi. Widya Pranata Hukum*": Jurnal Kajian dan Penelitian Hukum 5, (1) (2023): 74-95

Internet articles

Ahmad Faisol, 2023, "*Duduk Perkara Seleb TikTok Probolinggo Bentak Siswa Magang, Direkam oleh Suami yang Anggota Polisi*", Kompas.com, URL: <https://surabaya.kompas.com/read/2023/09/07/063600478/duduk-perkara-seleb-tiktok-probolinggo-bentak-siswa-magang-direkam-oleh?page=all>. diakses tanggal 14 September 2023.

Cindy Mutia A, 2023, "*Indonesia Mendominasi Jumlah Penduduk di Asia Tenggara Berapa Besarnya*", Databoks, URL: <https://databoks.katadata.co.id/datapublish/2023/01/31/indonesiamendominasi-jumlah-penduduk-di-asia-tenggara-berapa-besarnya>. diakses tanggal 14 Juni 2023.

Edi W, 2021, "*Budaya Eksploitasi Anak Magang*", Detik News, URL: [news.detik.com/x/detail/investigasi/20211109/Budaya-Eksploitasi-Anak Magang/](https://news.detik.com/x/detail/investigasi/20211109/Budaya-Eksploitasi-Anak-Magang/). diakses tanggal 15 Juni 2023

Legislation

Constitution of the Republic of Indonesia

Law Number 13 of 2003 concerning Manpower (State Gazette of the Republic of Indonesia of 2003 No. 39, Supplement to the State Gazette of the Republic of Indonesia No.4279)

Law Number 6 of 2023 Concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 Concerning Job Creation into Law (State Gazette of the Republic of Indonesia of 2022 No. 238, Supplement to the State Gazette of the Republic of Indonesia No. 6841).

Law No. 2 of 2004 on Industrial Relations Settlement (State Gazette of the Republic of Indonesia of 2004 No. 6, Supplement to the State Gazette of the Republic of Indonesia No.4356)

Minister of Manpower Regulation No. 6 of 2020 concerning the Implementation of Apprenticeship in the Country

ILO Convention 190 of 2019 on Preventing and Combating Violence and Harassment at Work and in Public Places of Work.