

The Urgency of Labor Training for Workers

Agusmidah and Rosmalinda

Faculty of Law, Universitas Sumatera Utara, Medan, Indonesia

agusmidah@usu.ac.id

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ABSTRACT

Legal training on Labor for workers/laborers who are members of trade unions is very beneficial for increasing knowledge and understanding of the law of employment relations in the workplace. This forum is also a space for discussion between academics and workers/laborers. For academics this activity adds to the knowledge of legal practice in the community. The training is carried out in the form of socialization activities and Training of Trainers (TOT). This activity is a form of community service that fulfills the elements of the Tridharma of Higher Education, so it is worth continuing.

Keywords: Community Service, legal training, Labor Law, Labor Union.

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INTRODUCTION

Training is an effort to increase knowledge and insight into something that is commonly done, especially to increase the intellectual capacity of human resources (HR). What if this is done to groups of workers/laborers who are not professional workers, namely workers who only rely on labor (blue collar)?

Training regarding understanding labor relations law is apparently very necessary. Several things strengthen this statement: first, workers/laborers are unfamiliar with labor law because they have never received formal legal education. Second, in carrying out work relationships, there are many problems related to gaps between existing regulations and the events experienced, for example regarding wage systems, work agreements, health insurance, employment social security, termination of employment, and so on. Third, the bargaining power of workers/laborers towards the company and/or employer will be small if they do not properly understand the applicable regulations.

Ida Nurmayanti (2015) stated in her paper that education and training (diklat) are part of efforts to improve intellectual abilities including soft skills related to personality. Generally, companies that realize the importance of this training will carry out activities continuously, unfortunately this is not yet the case for most other companies, especially lower-middle-class companies (Nurmayanti,2015:1).

Asri Wijayanti (2010) stated that there is a stigma that sees workers/laborers as objects, not as part of management so that their position is equated with suppliers or customer buyers, even though workers/laborers should be an integral part of a company. Without reliable workers/laborers there will be no company (constitutive element).(Wijayanti,2010:1)

Workers are residents of working age. Article 1 number 3 of Law Number 13 of 2003 concerning Employment stipulates that: "every person who works receives wages or other forms of compensation". Based on the provisions of Article 1 point 2 of Law Number 13 of

2003 concerning Employment, it is determined that: "every person who is able to carry out work to produce goods and or services either to meet their own needs or for the community".

Every resident will of course have the status of a worker, either as a formal worker/laborer or as an informal worker. Not all of the working population has a comfortable place to work - with wages according to regulations, social security is implemented, working hours and leave are well scheduled according to mechanisms. In the field, from the results of an assessment carried out by the community service team on two partners, namely the Industrial Workers Union and the Harbor Truck Drivers Association, a number of incidents of employment/labor law irregularities were found, namely: a piece rate system which is detrimental because workers do not reach the minimum wage each month, wage cuts workers due to losses experienced by the company which have not been proven to be the fault of the workers/laborers, lack of social security for workers, lack of regular wages, excess working hours.

In these two partners (labor unions), the average education level of the management is a high school graduate, others are junior high school, and elementary school, and formally they have never received any formal education regarding laws and regulations.

It is recognized that the training provided greatly increases understanding of the rules that should operate, especially regarding wages, trade unions and labor disputes. The training began with outreach activities for the Union members and administrators, namely 40 people, followed by training of trainers for 20 participants who were deemed to have the capacity to become agents of change by passing on the knowledge gained to other colleagues.

METHODS

The first stage, the service team carried out mapping and identified the problems most workers/laborers faced, the methods used were discussions and interviews. Questions are directed at exploring problems they are facing and that they do not understand.

Armed with the results of these discussions and interviews, the service team prepared a training module containing material and evaluation. In order to ensure that this training module can be understood by workers/laborers, a trial of using the module was held at the respective secretariats, namely Tanjung Morawa and Belawan. The test results become material for the team to evaluate the module.

Furthermore, socialization was carried out regarding wage laws, labor unions, and resolving labor disputes. In order to get cadres who have more understanding so that later they can help disseminate knowledge about the three themes, it is continued with training of trainers.

RESULTS AND DISCUSSION

1. Legal Protection in the Workplace

The aim of legal protection based on the provisions of Article 4 of Law No. 13 of 2003 is:

- a. Empowering and utilizing the workforce optimally and humanely;
- b. Realizing equal employment opportunities and providing labor in accordance with national and regional development needs;
- c. Providing protection to workers in realizing welfare and;
- d. Improving the welfare of workers and their families.

One of the rights inherent in human nature and existence is the right to social security. Therefore, it is often stated that social security is a universal/general program that must be implemented by all countries. According to Imam Soepomo, what is meant by Social Security is the payment received by the worker, in the case of the worker's 27 faults not doing the work, thus guaranteeing certainty of income (Income Security) in terms of the worker's right to lose wages for reasons beyond his or her will. (Hadjon, 2003:42)

Based on Article 86 of Law no. 13 of 2003 concerning Employment states:

- a. Every worker/laborer has the right to obtain protection for:
 - 1) Occupational Safety and Health;
 - 2) Morals and Decency; And
 - 3) Treatment that is in accordance with human dignity and religious values.
- b. To protect the safety of workers/laborers in order to realize optimal work productivity, occupational safety and health efforts are carried out.
- c. Protection as intended in paragraphs (1) and (2) is carried out in accordance with applicable laws and regulations.

Job protection for workers/laborers is not only external, but can be carried out internally, namely by increasing individual capacity through training and education provided formally and non-formally. It is hoped that workers/laborers can avoid various work risks that have the potential to reduce welfare. Some of the main labor market risks are (Junaidi, 2008:11):

1. Risk of job loss (unemployment risks): Job loss can occur either due to individual performance factors, company performance or due to macroeconomic factors. Job loss will have a direct impact on reducing the welfare of workers and their families.
2. Health risks: Health risks that result in a decrease/loss of a worker's source of income can occur both while working and outside of work.
3. Declining wage risks: A decrease in real wages is a decrease in purchasing power, which directly reduces the welfare level of workers and their families. A decrease in real wages can occur due to a cut in the wage rate or because the inflation rate is higher than the increase in nominal wages.
4. Old-age risks: The impact of growing old on a worker is a decrease in productivity levels and job loss when physical conditions as a result of age make it no longer possible for the worker to work. This means that the older a worker becomes, the risk of their income decreasing/losing.

Sociologically, the position of the worker is that he is not free, as a person who has no means of living other than that, he is forced to work for other people, the employer is the one who basically determines the terms of work. Considering that the position of workers is lower than that of employers, it is necessary for government intervention to provide legal protection. Labor protection is protection that seeks to safeguard the rights of workers. The aim of legal protection according to Abdul Khakim is to ensure that a system of harmonious working relations continues without being accompanied by pressure from strong parties towards weak parties. (Khakim, 2009:74)

Based on these reasons, legal protection for workers/laborers by the state in a systematic, planned, measurable and accountable manner must be implemented as a means of carrying out the constitutional mandate to protect the entire nation and the

blood of Indonesia and advance the public interest (Preamble to the 1945 Constitution of the Republic of Indonesia).

As a result of the identification by the team, there were several things that were problems for workers in the workplace, namely: wages, strengthening the organization of trade unions, readiness to face labor relations disputes.

2. Remuneration

This section is interesting for workers or laborers because some of the participants have problems regarding wages. These problems include:

- a. low wages due to the target/piece rate wage system.
- b. Excess working hours in the contract system do not receive overtime pay.
- c. If the company does not pay wages within the time agreed verbally, can a fine be imposed?
- d. What can workers do if wages are paid below the provisions of the Provincial Minimum Wage (UMP) and/or Regency/City Minimum Wage (UMK).

Conceptually, wages are a counter-performance, obtained by workers/laborers after carrying out their obligations, namely carrying out the work ordered. Article 27 paragraph (2) of the 1945 Indonesian Constitution states "Every citizen has the right to work and a living worthy of humanity." This article not only contains an affirmation of citizens' constitutional rights to work, but also the constitutional right to protection at work, until the employment relationship ends. Chapter X of the 1945 Republic of Indonesia Constitution which contains human rights, Article 28D paragraph (2):

"Everyone has the right to work and receive fair and adequate compensation and treatment in employment relationships."

It is emphasized here that the human rights of citizens are to work and receive compensation and fair treatment. Human rights cannot be ignored even by the state, because human rights are supra-legal. (Ma'ruf, 2015:280) The World Conference on Human Rights in Vienna in 1993 introduced a broader perspective on human rights, (Dharmawan, 2014:519) including civil, cultural, economic, political and social rights which cannot be separated, are interrelated and are also intended as the responsibility of all, not just the state. (Bilah, 2013:27) Act. No. 39 of 1999 Article 1 number 1 states that: "Human Rights are a set of rights inherent in the nature and existence of humans as creatures of God Almighty and are His gifts which must be respected, upheld and protected by the state, law and government, and everyone for the sake of honor and protection of human dignity; Furthermore, Article 1 number 6 states that: "A violation of human rights is any act of a person or group of people including state officials, whether intentional or unintentional or negligent, which violates legal rights, reduces, hinders, limits and/or revokes a person's human rights or groups of people who are guaranteed by this Law, and do not receive, or are feared will not receive, fair and correct legal solutions, based on the applicable legal mechanisms. The right to obtain work and adequate wages/rewards is included in the category of economic rights, so anyone (state, law, government and private sector) is not permitted to deprive human rights of human rights in order to maintain honor and protect human dignity. (Latupono, 2011:59)

The Employment Law (UU No. 13 of 2003 abbreviated as UUK) regulates wages, some of which may contain the following main ideas:

- a. Workers' rights to decent wages
 - 1) Article 27 paragraph 2 of the 1945 Republic of Indonesia Constitution

- 2) Every worker/laborer has the right to earn an income that fulfills a decent living for humanity (Article 88 paragraph (1) UUK);
- b. Decent wages are a citizen's constitutional right. To ensure this, the government makes wage policies that protect workers/laborers (Article 88 paragraph 2 UUK);
- c. Entrepreneurs who do not pay wages according to the provisions set by the state/government are actually going against state policy.
- d. Employers are prohibited from paying wages lower than the minimum wage (Article 90 UUK);
- e. Entrepreneurs who are unable to pay wages in accordance with minimum wage provisions are given the opportunity to apply for a suspension in accordance with the minister's decision (Article 90 paragraphs 2 and 3);
- f. Procedures for Suspension of Minimum Wage Implementation are regulated in Minister of Manpower and Transmigration Decree No. 231/MEN/2003;

Minimum wage

Minimum Wage is one of the wage policies mentioned in Article 88 paragraph 3. Wage policies include:

- a. Minimum wage, b. Overtime pay, c. Wages for not coming to work due to absence; d. Wages absent from work due to other activities outside of work; e. Wages carry out the right to work rest time; f. Form and method of payment of wages; g. Fines and wage deductions; h. Things that can be taken into account with wages; i. Wage structure and scale; j. Wages for severance pay; k. Wages for calculating income tax.

The minimum wage in Indonesia was introduced in 1996, the role of the minimum wage is increasingly important. Until 2000, minimum wage levels were set by the Minister of Manpower for each province in Indonesia. With the implementation of regional autonomy, starting in 2000 the responsibility for setting minimum wages fell on the shoulders of the provincial and district governments. To determine the minimum wage, a wage council was formed consisting of representatives from the local government, provincial offices from related units, trade unions, employers and academics. The function of the council is to conduct surveys and calculate the basic costs of living necessities. The survey examines the prices of a number of basic commodities in the surrounding area, calculates the ability of companies to pay for minimum wage increases and proposes a figure for the minimum wage taking into account the information obtained, cost inflation and other factors.

The problem with the wage system experienced by workers who are members of the SPI as explained above is that wages are made using a unit output system (workers call it a piece rate system), but because with this system it often happens that the materials that the workers will work on are not available smoothly, the target output is small. as a result their wages can be below the minimum wage.

Workers/laborers want their wages to be paid based on units of time, and the calculation is based on the minimum wage, because they work for 7 hours per day, and often low productivity occurs due to the raw material supply from entrepreneurs not being smooth. the businessman has not agreed. It is recommended that this matter be negotiated bipartitely.

3. Strengthening the Organization of Trade Unions and Preparing PKB

From the results of the team's assessment, the Port Truck Drivers Association (PSTP) still seems to have weaknesses in the union's organizational management. This can be seen from the AD ART material and the existing draft Collective Work Agreement (PKB). AD/ART is important because it will regulate the organization and structure of the trade union, including its hierarchical arrangements.

The rules stipulate that all unions must be established based on the free will of workers, without pressure or intervention from employers, the government, political parties, or any other party. This is called a "free and independent trade union". A union can be established based on business sector, type of job, trade, or other category, according to the wishes of workers.

Every union must have AD/ART. The articles of association must contain at least the following:

- a. name and symbol;
- b. state foundations, principles and objectives;
- c. date of establishment;
- d. domicile;
- e. membership and management;
- f. financial sources and accountability; And
- g. provisions for changes to the articles of association and/or bylaws.

The PKB is a source of law in employment relations as it is known that the source of law in employment relations consists of:

- a. Autonomous legal sources; This includes work agreements, company regulations and collective work agreements
- b. Heteronomous sources of law; This includes all laws and regulations relating to employment.

Thus, the PKB is an autonomous legal source whose existence is very important because from the point of view of its formation it was produced through negotiations in which the principle of collective bargaining applies. PKB is also recognized as having more legal force than work agreements and company regulations. Apart from that, according to the principle of *pacta sunt servanda*, which means that the agreement that has been made applies like law to the parties who make it.

The following is an example of a PKB content component that meets the completeness of the material: (Agusmidah & Rosmalinda, 2018)

<p>Example Of PKB (Collective Work Agreement)</p> <p style="text-align: center;">LIST OF CONTENTS</p> <p style="text-align: center;">Draft CLA</p> <p>PREAMBLE</p> <p>CHAPTER I. PARTIES THAT MADE THE AGREEMENT</p> <p>CHAPTER II. GENERAL</p> <p>CHAPTER III. RECOGNITION, GUARANTEES AND FACILITIES FOR WORKER UNIONS.</p> <p>CHAPTER IV. WORK RELATIONSHIP</p> <p>CHAPTER V. WORKING DAYS, REST AND OVERTIME.</p> <p>CHAPTER VI. EXEMPTION FROM WORK OBLIGATIONS.</p> <p>CHAPTER VII. SAFETY, OCCUPATIONAL HEALTH (K 3) AND ENVIRONMENT.</p> <p>CHAPTER VIII. REMUNERATION.</p> <p>CHAPTER IX. TREATMENT AND CARE.</p> <p>CHAPTER X. SOCIAL SECURITY.</p> <p>CHAPTER XI. WELFARE AND FACILITIES FOR WORKERS</p> <p>CHAPTER XII. WORKING RULES.</p> <p>CHAPTER XIII. TERMINATION OF EMPLOYMENT (PHK).</p> <p>Article 71. Workers Detained By Authorities.</p> <p>CHAPTER XIV. RESOLUTION OF WORKER COMPLAINTS AND COMPLAINTS</p> <p>CHAPTER XV. PROVISIONS OF IMPLEMENTATION</p> <p>CHAPTER XVI CLOSING PROVISIONS</p> <p>Attachments – Attachments.</p>

4. Understanding procedural law in the Industrial Relations Court (PHI)

It is very important for trade unions to have the ability and skills in procedural law in PHI because the union can carry out the function as legal representative for its members in disputes. The Industrial Relations Court is a special court established within the District Court which has the authority to examine, adjudicate and provide decisions on Industrial Relations disputes through the Industrial Relations Court. The plaintiff attaches minutes (recommendations) for settlement through mediation/conciliation. If the lawsuit is not accompanied by the minutes, the judge is obliged to return the lawsuit to the plaintiff. If one of the parties does not agree with the results of the judge's decision at the District Court level, they can also make an appeal to the Supreme Court.

The lawsuit letter is submitted to the District Court in accordance with competency by attaching the minutes of Mediation settlement in the form of Recommendations. The formulation of the lawsuit letter is as follows:

- a. Identity of the parties
- b. Posita
- c. Petitum

Ad. a The identity of the parties is information regarding the plaintiff and defendant: name, occupation, domicile (place of residence). Identity is very important, errors in writing the Defendant's identity in particular will result in the lawsuit not being accepted or the person filing the lawsuit not meeting the requirements of the Law (error in persona). Errors in persona consist of several categories:

- The plaintiff does not fulfill the basic rights, for example he does not have a legal relationship;
- Incompetent because under age or under guardianship, insane, under pardon;
- The lawsuit lacks parties;
- Fault of the party/object of the lawsuit;

Ad. b Posita or also called *Fundamentum Petendi* is the part of the lawsuit which contains arguments regarding the existence of a legal relationship which is the basis of the claim. Article 163 HIR (283 RBg, 1865 BW): "Whoever claims to have a right or mentions an event to confirm his right or to dispute another person's right, must prove the existence of that right or event."

Arranging Posita:

- 1) Language that is easy to understand, use good and correct writing procedures according to language rules so that the person reading (the judge) gets the message you want to convey;
- 2) Simple, short, clear and firm sentences;
- 3) Sentences must not have multiple interpretations, they must not confuse the defendant and the panel of judges;
- 4) Use terms that are clear and consistent and do not change, for example referring to chairman, leadership, object of dispute, object of case, strike, demonstration, demonstration, absenteeism, etc.
- 5) Posita must be coherent, orderly, systematic, based on events that occur or are experienced;
- 6) The posita must be synchronous/unidirectional or not conflict with the *petitum*.

Ad. c *Petitum* is a lawsuit or demands which are the main demands of the plaintiff, mentioning them one by one at the end of the lawsuit. This demand will be answered in the decision, therefore the *petitum* must be clear and firm.

Imperfect claims can result in the claim not being accepted, likewise if they conflict with each other it will be called *obscur libel* (a claim that is unclear and cannot be answered easily by the defendant, causing the claim to be rejected).

There are several types of demands:

a. Primary Demands:

Primary claims are main claims that are directly related to the subject matter of the case, for example:

- grant the plaintiff's claim in its entirety;
- declare that the employment relationship between the defendant and the plaintiff has been terminated as of the date this decision is pronounced;
- Sentenced the defendant to pay severance pay, gratuity money, compensation money, holiday allowance, processing wages amounting to Rp. 150 (one hundred and fifty rupiah);
- Sentence the defendant to pay court costs;
- Sentenced the defendant to pay compensation of Rp. 10,000;
- Declaring the cancellation of the work suspension letter issued by the defendant;
- Punish the defendant to revoke transfer letter No. 02.02.MS.08 dated 10 May 2008;
- punish the defendant and re-employ the plaintiff to his original position;

- punished the defendant to pay severance pay to the plaintiff in the amount of Rp. 100,000 (one hundred thousand rupiah);
- sentenced the defendant to pay wages for the layoff process for 10 months amounting to Rp. 200,000,000 ;

b. Additional Claims:

Additional claims are claims other than the main claim of the case, aimed at supporting the fulfillment of the primary claim. Additional demands include requests for confiscation of collateral (conservatoir beslaag), forced money (dwangsom), requests for immediate judgment (uitvoerbaar bij voorraad). Examples of editorials are as follows:

- Placing a security confiscation (conservatoir beslaag) on a car belonging to the defendant, Honda brand, Pol No. 121 CB;
- Sentenced the defendant to pay forced money (dwangsom) amounting to Rp. 5,000 (five thousand rupiah) per day if you fail to carry out this decision;
- Declare that this decision can be implemented first even if the defendant files an appeal and other legal remedies (uitvoerbaar bij voorraad);

c. Subsidiary's Claims

It is a claim submitted by the plaintiff to anticipate the possibility that the main claim and additional claims will not be accepted by the judge

Example:

- If the Panel of Judges wishes otherwise, then ask for the fairest possible decision (ex aequo et bono).

CONCLUSION

Training for trade unions conducted by academics has an impact on both parties. Academics will know and understand the situation in society, especially how the law is effective in the workplace. Knowing the legal problems faced by workers/laborers, thus enriches the repertoire and can become knowledge to improve workplace regulations which will later be voiced to the government. For workers, the benefits of this training are increased knowledge and understanding of Labor Law theories and concepts, open space for discussion with academics both during and after this training is carried out. Follow-up discussions were held through the FH USU Legal Aid and Consultation Institute (LKBH) forum. This training activity can continue to be carried out and cover all employment sectors in many more areas that are considered vulnerable due to the low level of education and skills of the workforce. Of course, financial and budget support is very necessary.

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