

IMPLEMENTATION OF THE REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION NUMBER 19 OF 2012 IN THE FRAMEWORK OF FULFILLING WORKERS' RIGHTS IN MEDAN CITY

Noni Vanessa

Universitas Muhammadiyah Sumatera Utara

email: nonivanessa@gmail.com

Abstract

Workers' rights are a number of laws and regulations and human rights related to the relationship between workers and employers. This right is usually obtained through labor laws. In general, the discourse on workers' rights is related to negotiating salaries, benefits, and safe working conditions. Juridically in labor law the position of employers and workers is the same and equal. However, sociologically under certain conditions the position between workers and employers is not equal and balanced. Because often workers are in a weak position. Therefore, in the world of employment, workers are people who must be given protection for their rights. This study aims to determine the implementation of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the Framework of Fulfilling Workers' Rights in Medan City. The type of research used is descriptive method with qualitative analysis and data collection is carried out using interview, observation and documentation techniques. Based on the research, it is known that the implementation of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the Framework of Fulfilling Workers' Rights in the City of Medan has not been fully implemented properly. This is due to the lack of company willingness to follow or apply the rules that have been implemented properly, the lack of socialization from local implementers, and the lack of supervision carried out due to the number of labor inspectors that are not proportional to the number of companies that want to be supervised.

Keywords: Policy Implementation, Fulfillment of Workers' Rights.



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1. INTRODUCTION

Based on Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia, Article 27 paragraph (2) and Article 28 state that work is a human right. Based on Law Number 13 of 2003 concerning Manpower (UUTK) Article 1 number 2 of the UUTK what is meant by manpower is "Every person who is able to do work to produce goods and/or services both to meet their own needs and for the community". Thus, the workforce is the main driving force for the Indonesian economy.

Workers, labor or employees are basically humans who use their energy and abilities to get a reward in the form of income in the form of money or other forms to the employer. Workers' rights are a number of laws and regulations and human rights related to the relationship between workers and employers. This right is usually obtained through labor laws. In general, the discourse on workers' rights is related to negotiating salaries, benefits, and safe working conditions.

Juridically in labor law the position of employers and workers is the same and equal. However, sociologically under certain conditions the position between workers or it can be said as workers and employers is not the same and balanced. Because often workers are in a weak position. Therefore, in the world of employment, workers are people who must be given protection for their rights.

Recognizing the importance of workers for companies, government and society, it is necessary to think so that workers can maintain their safety in carrying out their work. Likewise, it is necessary to strive for the calm and health of workers so that what they face at work can be considered as much as possible, so that vigilance in carrying out the work is guaranteed. These ideas are worker protection programs which in daily practice are useful to maintain productivity and company stability.

Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 is one of the regulations that regulate employment issues with the aim that workers can fulfill their rights and get basic protection and at the same time create conditions conducive to the development of the business world. As stipulated in the regulation, the work agreement is coercive, meaning that the parties to the work agreement cannot make an agreement that deviates from the labor laws and regulations. These rules have been regulated in such a way as to create a harmonious relationship between the workers and the company and not harm each other. However, if you look at the facts, there are still many work agreements that have been made which actually lead to injustice, where one party benefits and the other party feels disadvantaged. This inequality tends to be felt by workers, especially outsourcing workers.

Many workers have been disadvantaged because of work agreements, such as the provision of wages that are not in accordance with the Regional Minimum Wage (UMR), working time that is more than the limit set out in the legislation, social security that is not fulfilled by the company, or outsourcing practices which, although harming the employees workers, both in terms of unclear status and so on, but it is still applied today. In practice, there are several deviations made by companies that provide jobs and companies that provide labor against the outsourcing work system. These deviations include, among others, that the company providing the work does not comply with the regulations by the Government. The company also violates the working time limit set for workers. Work agreements are made unilaterally or without a balanced agreement process where workers are not notified of the contents of the work agreement, workers are not provided with health facilities, meal allowances and overtime pay.

2. METHODOLOGY

The research method that will be used in this study is descriptive method with qualitative data analysis, data collection is carried out using interview, observation, documentation techniques and is intended to facilitate the author in researching in detail about an object with sufficient depth and thoroughness regarding the Implementation of the Minister of Energy Regulation. Work and Transmigration Number 19 of 2012 in the context of Fulfilling Workers' Rights in Medan City.

The data analysis technique used is qualitative data analysis, ie data obtained through data collection will then be interpreted according to the research objectives that have been formulated.

3. RESULTS

Interview Result Data

There is a goal to be achieved

Based on the results of an interview on Tuesday, August 10, 2020 with Mr. Jones Parapat SH as Mediator of Industrial Relations at the Manpower Office of Medan City regarding the question what are the objectives to be achieved in this regulation, he said that the goals and objectives to be achieved from this regulation are to provide guarantee of legal certainty related to the rights obtained by workers. In the world of employment, workers are people who must be

given protection for their rights. Then regarding the question of how the progress in achieving the goals and objectives of this regulation, he explained that the progress in achieving the provision of workers' rights is in fact still very minimal. There are still many companies that use outsourcing services. Since the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 the use of outsourcing services has become increasingly widespread. This is based on the economic crisis that has impacted on businesses, requiring companies to reduce workers' expenses. But unfortunately this is not directly proportional to the welfare of the workers. There are so many negative impacts for workers with outsourcing status. The main one is the lack of welfare where the wages or benefits received by outsourcing workers are usually lower than the wages or benefits of permanent workers. In addition, many companies do not include outsourced workers in labor social security and insurance programs. This creates a high disparity between the welfare of permanent workers and outsourced workers. Whereas in this regulation it is clearly stated that the function of this regulation itself is so that workers, especially outsourced workers, can get the same rights as permanent workers.

Based on the results of the interviews above, it can be concluded that the objectives of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 have not been achieved properly. The lack of compliance from the Company in applying the applicable rules and the many loopholes in this regulation have made the objectives of this regulation not yet achieved properly.

There are actions taken to achieve goals

Based on the results of an interview on August 12, 2020 with Mr. Ardiansyah as a staff at the Service Provider Company PT Arenda Nuansa Berlian, he said that the action taken to achieve that goal was to disseminate information to workers regarding what rights they should get.

Based on the results of an interview on August 12, 2020 with Rizki as one of the workers in the city of Medan, he said that the action taken to achieve this goal was through socialization between the agency, the company and the workers.

Based on the results of an interview on August 12, 2020 with Iwan as one of the workers in Medan City, he said that the action taken to achieve that goal was through socialization.

Based on the results of the interviews above, it can be concluded that the actions taken to achieve this goal are through socialization and dispute development which include institutions, human resources, facilities and infrastructure, funding, administration, and labor inspector information systems which are measured by the reduced level of dispute complaints.

There is an impact on workers

Based on the results of an interview on Tuesday, August 10, 2020 with Mr. Jones Parapat SH as Mediator of Industrial Relations at the Manpower Office of Medan City, he said that the cause of the non-implementation of this regulation was the company itself which did not follow the rules that had been set properly. Even though it is clear that this regulation contains the company's obligations that must fulfill the rights of the workers. The impact for workers is the absence of worker welfare.

Based on the results of an interview with Rizki as a Worker in Medan City on August 12, 2020, he said that in the implementation of the Regulation of the Minister of Manpower and Transmigration number 19 of 2012 it was not the fulfillment of the rights that should be obtained by the workers.

Based on the results of an interview on August 12, 2020 with Iwan as one of the workers in the city of Medan, he said that the impact for workers was injustice between workers and the employer company and there was no guarantee for workers.

Based on the results of the interviews above, it can be concluded that the impact felt by workers from the implementation of this regulation is that workers' rights are not fulfilled. Efforts made by the Government in responding to this is by conducting outreach to companies and workers.

There is supervision

Based on the results of an interview on August 12, 2020 with Mr. Ardiansyah as staff at the Service Provider Company PT Arenda Nuansa Berlian, he said that so far there has been supervision carried out for the company, but it has not been effective so that the company is not yet regular in implementing the existing rules. Based on the results of an interview with Rizki as a worker in Medan City on August 12, 2020, Rizki said that at the company where he works there has been no permanent supervision carried out by the government.

He said that during his 3 years working at the company, only one Supervision took place. Based on the results of an interview on August 12, 2020 with Iwan as one of the workers in the city of Medan, Iwan said that the government had carried out supervision on the company but the supervision was not carried out continuously, which made the company underestimate and not enforce the rules properly. As a result, many workers feel unfair because their rights are not properly fulfilled.

Based on the results of the interviews above, it can be concluded that supervision has been carried out by the government to the company, but it is still not effective so that many companies underestimate this regulation.

4. DISCUSSION

There is a goal to be achieved

From the results of interviews conducted at the Manpower Office of Medan City, the goals and targets to be achieved from the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the context of Fulfilling Workers' Rights in the City of Medan are to improve the welfare of workers by providing legal certainty regarding their rights. - the rights of workers. From the results of the author's analysis, the objectives to be achieved from the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the context of Fulfilling Workers' Rights in the City of Medan have not been achieved properly, due to the lack of company willingness to follow or apply the rules that have been properly enforced. There are still many companies that take as much profit as possible for the benefit of their own company without heeding the previously established regulations.

There are actions taken to achieve goals

From the results of interviews conducted at the Manpower Office of Medan City, the action taken to achieve this goal is to foster labor inspection which is intended to support the ability of work units in carrying out law enforcement in the field of manpower in an integrated and coordinated manner. This coaching includes: Institutional; Human Resources; Facilities and infrastructure; Funding; Administration; and Labor inspector information system. From the results of the author's analysis, the actions taken to achieve the objectives of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the context of Fulfilling Workers' Rights have been well achieved, namely by fostering disputes which include institutions, human resources, facilities and infrastructure, funding, administration, and labor inspector information systems which are measured by the reduced level of dispute complaints.

There are impacts or consequences for workers

From the results of interviews conducted at the Manpower Office of the City of Medan, the most felt impact for workers due to the non-implementation of the Minister of Manpower and Transmigration Regulation No. 19 of 2012 is the non-fulfillment of the rights of workers and the

non-accommodation of the interests of workers. From the results of the author's analysis, the implementation of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 has not been achieved properly because there are still many workers who are not prosperous because of the impact of this regulation, namely the rights of workers are not fulfilled.

There is supervision

From the results of interviews that have been conducted at the Manpower Office of Medan City. Supervision of the company has been carried out, but has not been fully effective. Internal supervision is carried out through direct supervisors and labor inspectors, while external supervision is carried out through community supervision. Internal inspections carried out by labor inspectors have not been fully effective. The limitation between the number of supervisors and the companies that want to be supervised is the cause of this weak supervision. From the results of the author's analysis, the supervision of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the Context of Fulfilling Workers' Rights in the City of Medan has been carried out but has not gone well. Because the number of labor inspectors is not proportional to the number of companies that want to be supervised.

5. CONCLUSION

Based on the results of the research that the authors conducted with interviews, information and explanations that the authors obtained in the Implementation of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the Framework of Fulfilling Workers' Rights in the City of Medan the authors concluded that:

First, the fulfillment of workers' rights in the city of Medan has not been fully achieved properly, due to the lack of willingness of the company to follow or apply the rules that have been properly enforced. There are still many companies that take as much profit as possible for the benefit of their own company without heeding the previously established regulations.

Second, the actions taken to achieve the objectives of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 in the context of Fulfilling Workers' Rights have been well achieved, namely by fostering disputes covering institutions, human resources, facilities and infrastructure, funding, administration, and the labor inspector's information system which is measured by the reduced level of complaint complaints.

Third, the impact that is felt for the workers due to the non-implementation of the Regulation of the Minister of Manpower and Transmigration Number 19 of 2012 is the non-fulfillment of the rights of the workers and the non-accommodation of the interests of the workers.

Fourth, the supervision carried out already exists and is in accordance with the applicable Standard Operating Procedures, but has not been running effectively. Due to the limited number of labor inspectors, the companies that want to be supervised are not comparable.

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