Fulfillment Of Rights For Part Time Workers Based On Law Number 13 Of 2003 Concerning Employment (Study In Mikopi Cafe)

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Abstract

This study aims to determine the fulfillment of rights such as the provision of wages, leave, legal protection for part-time workers at the Mikopi Cafe in the event of a work accident or if one of the parties violates the provisions and efforts of labor if their rights as workers are not fulfilled. The research method that I use is Normative juridical, research based on data sources in the form of applicable legislation, court decisions, journals or articles and theories and legal concepts and views of prominent legal scholars. Analysis of the fulfillment of rights for part-time workers and their protection if the worker is not provided with occupational accident protection in the form of compensation or fulfillment of rights such as late salary in the form of notification and additional delays and absence of agreements between employers and workers using data taken by the author at the Cafe Mikopi and the Law No. 13 of 2003 concerning manpower which is then described by the author’s thought power. The results of this study can be seen through the fulfillment of rights by employers to part-time workers who have not been fully implemented in accordance with the provisions of the Manpower Act, as well as forms of legal protection that have been carried out, namely the provision of compensation for work accidents and has not been done such as compensation for late salaries and the absence of an agreement between the two parties.

Keywords: Fulfillment of Rights, Legal Protection, Part Time Workers

I. Introduction

In essence every individual has a demand to meet primary and secondary needs for the survival and equality of life. There must be efforts made to meet the needs of life, namely by working. Along with the increasingly diverse needs, business development in Indonesia is increasingly growing rapidly. In this modern life for people with financial capabilities above average many who prefer to set up a business rather than become a worker. With the increasing number of businesses established in this era the need for labor is also increasingly large, both full, part-time and temporary workers. The success of a business can be seen from the implementers, one of which is the workers who have an important role and position as actors in the success of a business.

Regulations regarding labor are regulated in Law Number 13 of 2003 concerning Manpower (hereinafter referred to as Manpower Act). The Manpower Act does not specify in detail for who and which worker this Law was made. Protection for workers is needed, including the fulfillment of rights and social security. In accordance with the role and position of the workforce, employment development is needed to improve the
quality of the workforce and its participation in development and to improve the protection of workers and their families in accordance with human dignity and values. For this reason, it is necessary to protect the intended workers, namely part-time workers, to guarantee the basic rights of workers and ensure opportunities and treatment without discrimination to realize worker welfare by taking into account developments in the progress of the business world.

Workers and employers still have unequal rights and obligations so that workers often suffer losses because their rights are not fulfilled by business actors. So that workers want to make efforts to obtain their full rights because they feel that they have fulfilled their obligations in full, however, there are often many reasons from business actors and the lack of workers' basic demands to sue because of the lack of basis in doing so makes workers again disadvantaged in fulfilling their rights as a part-time worker because it is not specifically regulated by labor law.

II. Method

The research method that used by the author are Normative or Jurisdictional Normative, in line with the Jurisdictional-Normative type of research, the approach that used are legal approach on still enforced law in Indonesia (positive law) that usually using or based on data sourced from statutory approach. Normative research is a type of research that done by analyzing reference materials or secondary data consisted of Primary legal source, secondary legal source, dan Tertiary legal source, before getting arranged and later studied further and finally to draw conclusion in the regards with problem that currently being studied

II. Main Heading of the Analysis or Results

A. The Rights and Obligations of Part Time Workers at the Mikopi Cafe

A worker has obligations that must be obeyed and rights that must be received, both workers who have full working hours or part-time workers. Workers' rights and obligations are regulated in the Manpower Act, in contrast to workers who have full working hours, the rights and obligations of part-time or part-time workers are not clearly regulated in the law so employers are required to make work agreements to guarantee the fulfillment of their rights and obligations. has been done and will be accepted by part-time workers with employers.
Based on the results of interviews conducted by the author with the owner of Cafe Mikopi there are rights and obligations for Cafe workers. In general, cafes in the city of Surabaya employ full-time workers and part-time workers, part-time workers are usually filled by students / school students. However, in the Mikopi Cafe, it does not employ a full-time employee system, all workers who work in the Mikopi Cafe are part-time workers.

Part-time workers still have the rights and obligations that must be carried out and fulfilled by part-time workers regulated in writing contained in the Mikopi Cafe Employee Standard Operating Procedure (SOP). As for the obligations of part time workers as a whole (excluding job desc for each section) are:

1. All part-time workers are expected to arrive on time according to the specified shift. For the morning shift starting at 09.00 WIB until 17.00 hours and 16:30 until 24.00 WIB for the afternoon shift (no later than 15 minutes).
2. All part-time workers are required to write attendance at work.
3. Must use an apron during business hours.
4. Must apply 5S (greetings, greetings, smiles, polite, polite).
5. While free, it is mandatory to control all shop cleanliness and tidiness.
6. Part-time workers are required to respond if a buyer arrives.
7. Part-time workers are prohibited from placing any item on the buyer's desk during work hours.

In addition to the part time employee obligations that must be met, workers also get their rights. Rights obtained by these workers are not regulated in writing by business actors:

1. Get the wages as promised.
2. Get the work time as promised.
3. Get time off.
4. Get overtime pay if you exceed working hours.

_B. Analysis of Legal Protection for Part Time Workers Based on Law Number 13 Year 2003 About Employmentart Time Workers 'Effort In Meeting Rights As Employment_
Occupational safety and health is a thought and effort to guarantee the integrity and perfection of both the physical and spiritual workers in particular and humans in general, their work and culture towards a just and prosperous society [Yofriko Sundalangi, "Juridical Review of Freelance Workers Based on the Principle of Justice", Makassar, Hasanudin University, 2017, page 85]. In the event of an occupational accident to company workers must provide the same liability without differentiating the types of workers themselves in accordance with applicable laws. The responsibility that must be given by the company for work accidents experienced by part-time workers that can be in the form of labor social security or compensation for work accidents [Ketut, I Gde Putra Ariana, 'Law Against Part-Time Workers When Accidents Occur', Kertha Semaya Legal Journal, Vol. 01, No. 11, November 2013, page 4]. According to Article 51 paragraph (1) of the Manpower Law, employment agreements are made in writing or orally. The Manpower Act does not clearly stipulate employment agreements for part-time workers, but for some employers the same rules apply as full-time workers. One of the main things that has not been fulfilled at the Mikopi Cafe is that there is no binding work agreement between part-time workers and employers. This causes part-time workers to not clearly know their rights and obligations which can be detrimental to either party. The absence of a work agreement both in writing and verbally can have an unilateral dismissal of workers by the company.

The existence of legal protection aims to ensure that the company is fully responsible for the rights held by workers. If related to the Manpower Act, part-time workers still do not get their maximum rights. It is stated in the Manpower Law Article 51 paragraph (1) that an employment agreement is made in writing or orally. The Manpower Act has not yet clearly regulated labor agreements for part-time workers, but for some employers applying the same rules as full-time workers. One of the main things that has not been fulfilled at the Mikopi Cafe is that there is no binding work agreement between part-time workers and employers. This causes part-time workers to not clearly know their rights and obligations which can be detrimental to either party. The absence of work agreements, both in writing and orally, can have the effect of unilaterally dismissing workers by the company and the lack of basis for workers to file a lawsuit if the worker is disadvantaged.

C. Part Time Workers 'Effort In Meeting Rights As Employment
In the Mikopi Café there is still an imbalance between the rights and obligations of business operators and employees, employees are given sanctions if they are late for work, and violates the SOP, but employers do not provide any protection or compensation if they are late giving wages that cannot even be determined how long they will receive their wages. Workers can make efforts if their rights are not fulfilled by the business actor whereas as workers have carried out their obligations in accordance with specified.

Before submitting a lawsuit to the Industrial Relations Court, workers must go through the stages above, namely first through the bipatrite stage if within 30 days the process is still not found an agreement then workers can go to DISNAKER for mediation / conciliation / arbitration. along with business actors, but if they still haven't found an agreement within the 30 day process, workers can file a lawsuit with the Industrial Relations Court, but if there is no work agreement it will be a little difficult for workers to be able to prove that the business actor has violated their rights.

III. Conclusion

Legal protection for part time workers in the Mikopi Café has not yet been fulfilled to the fullest, even though there is an Manpower Act that is considered to be able to provide legal protection for part time workers but in reality the Act still does not protect the rights of existing workers in the Mikopi Café so there are workers' rights that have not been given by the employer / employer because in this case the employer only regulates the rights and obligations of one of his parties

Protection provided by the cafe owner Mikopi has not been fully implemented in accordance with the regulations, because there is no written agreement regarding the nominal provision of benefits / benefits, dispensation of days or hours of work to employees who have suffered work accidents, and regulations regarding late payment of wages. but the employer is still trying to take responsibility if his employee has a work accident, because so far the employer is still providing proper compensation to his employees who have had work accidents but there has not been sufficient dispensation for him during the recovery period, as well as social security (Jamsostek / BPJS / ASKES) that should have been given to workers has not been realized to date. If part time workers do not get their protection such as getting late salary or neglected workers if after a work accident can make bipartite efforts first and then if they are unsuccessful then they can make mediation / conciliation / arbitration efforts with employers / employers if they do
not produce agreement can file a lawsuit to the industrial relations court if all efforts have been made and have not produced results

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