
“EMPLOYMENT LEGAL SYSTEM FOR TKI IN LEGAL PROTECTION

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ABSTRACT

The purpose of this research is to find out how the existence of TKI is in the protection of labor law, because along with the progress of the times (globalization era), problems in the field of employment are also increasing, especially if it is associated with other aspects such as economic, social and political. However, the basic problems in this field still do not deviate from the classic problems, namely the “master-worker” relationship, strikes and dismissals, and rights and obligations. Workers and employers in their respective positions have rights and obligations. However, in this case, it is the workers who need to be protected and guaranteed by law in exercising their rights. In the field of employment, these guarantees often include economic guarantees,

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PRELIMINARY

In Indonesia, in the current era of reform, information, and globalization, there are many companies operating in various fields, types of business, and industries. Thus the competition between companies becomes very tight. In response to this, entrepreneurs do several things that can help produce better goods and more productivity, to achieve business goals. One of the things implemented to achieve this goal is that employers optimize their workers by increasing labor productivity.¹

The image of employment in Indonesia continues because the 1945 Constitution of the Republic of Indonesia, in Article 27 paragraph (2) emphasizes that a decent job and livelihood are the constitutional rights of all Indonesian people. The logical consequence of this assertion is the introduction of the State's obligation to provide the widest possible means and opportunities for everyone to obtain work while making it feasible for humans. Internships are growing rapidly as they relate to problems in one's life when deciding whether to look for a job or not.³

The Indonesian Migrant Worker system is very vulnerable to disguised slavery. both at home and abroad. This is reflected in the 2013 Global Slavery Index. Migrant Care activist

Wahyu Susilo (2013) responds to research by Walk Free, an Australian organization, which is summarized in the Global Slavery Index. In the study, Indonesia was ranked 11th as a country with a modern work style. Up to 210,000 Indonesians live and work as slaves. Slavery can be used as a criterion to check whether workers' rights meet the appropriate criteria.⁴

Protection is an effort to protect the interests of future Indonesian workers / Indonesian workers in the guarantee of implementation according to the Act. Protection in an effort to ensure the completion of potential employees of the workforce at the same time in placing their positions and establishments. Law is a rule made by power or custom which is considered valid by the public, the rule of law, etc. regulates the harmony of life in society, regulations, rules, criteria, judges' decisions.⁵

FORMULATION OF THE PROBLEM

1. How is labor law protection for TKI?
2. How is the protection of labor law according to Law No. 13 of 2003 concerning manpower?

RESEARCH METHODS

1. The type of research conducted is empirical research, namely research based on secondary data as supporting data.
2. Secondary legal material data sources are data obtained from library materials, literature, magazines, articles, journals and dictionaries of legal terms related to the problem under study.

RESEARCH RESULTS AND DISCUSSION

a) EMPLOYMENT LAW PROTECTION FOR TKI

Legal protection is all efforts to uphold rights and provide assistance to provide a sense of security to witnesses.⁶ Legal protection is the protection of the dignity and worth, as well as the recognition of human rights held by legal subjects on the basis of the provisions of the law against arbitrariness or arbitrariness. as a set of rules or regulations that can protect one thing from another.⁷ Legal protection can be obtained in physical form (employees/benefits at work) but can also be provided in the form of accident prevention, because this is very important for workers to maintain health and safety in carrying out their work

According to Satijipto Raharjo, legal protection is what guarantees the protection

of human rights (HAM) that are harmed by others and this protection is given to the public to enjoy all the rights granted by law.

Protective measures may include the presence of workers overseas, including:

- a) Legal protection during placement, before and after workers leave.
- b) Legal protection related to the implementation of work arrangements abroad.
- c) Legal protection for Indonesian migrant workers after termination of employment.
- d) In consultation with Soepomo and Maslan that the legal protection of workers can be divided into 3 categories:
 1. Economic protection, namely the protection of workers in the form of sufficient income, including where workers cannot work against them. Will
 2. Social protection, especially worker protection in the form of occupational health insurance, freedom of association and guarantee of the right to organize
 3. Technical protection, especially protecting workers in the form of safety and security.¹⁰

The protection function is in the hands of the government (Article 78 (1) of Law No. 39 of 2004), but without the knowledge of the TKI themselves, the performance of the protection function will be difficult to achieve and TKI themselves also need to know their rights and obligations. ¹¹

The protection of the state for its citizens is a constitutional obligation by the Constitution, during the preamble of the National Policy Act in 1945, fourth paragraph. The expression "protecting all Indonesian states" means and carries a deep meaning, which means that protection means that there is an effort to protect citizens in all aspects of life from oppression or exploitation of Semennonenic from other parties, while the definition of protection is guaranteed and creates opportunities to get life and decent livelihood for people.¹²

RDING TO LAW NO. 13 OF 2003 CONCERNING EMPLOYMENT

Manpower or labor is regulated by the Manpower Act Number 13 of 2003, which was promulgated in the 2003 State Gazette Number 39 dated March 25, 2003 and comes into force on the date of promulgation. According to Law No. 13 of 2003, "work" is anyone who is able to work to produce goods and/or services in order to meet his and the community's needs.¹³

In Law No. 13 of 2003 and Kepmenakertrans No. 101/Men/VI/200 there is no detailed classification regarding the types of main work (main activity) and additional work (non-main activity), the categories of decisions determined are general. nature and do not adapt to the development of the business world. , so that in its implementation there is overlap and deviation.¹⁴

The 1945 Constitution of the Republic of Indonesia (UUD 1945) stipulates the goal of an independent Indonesian nation to protect the entire Indonesian nation and realize general welfare. Consequently, every Indonesian citizen must be defended and protected by their constitutional rights to obtain legal protection and obtain a decent living.¹⁵

The protection of workers is strictly regulated under Article 5 of the Manpower Act no. 13 of 2003. This provision stipulates that all workers have equal rights and opportunities to obtain work and work facilities, a decent living without distinction of gender, national origin, race, religion, and political affiliation, in accordance with the interests and abilities of the workers concerned. , including equal treatment of persons with disabilities. Furthermore, Article 6 requires employers to provide rights and obligations to workers without distinction of gender, ethnicity, race, religion, skin color, and political affiliation.¹⁶

Law No. 13 of 2003 In terms of Article 31 refers to the rights of each worker to choose, obtain or transfer jobs and earn a good income. ¹⁷ The meaning and importance of work for all is stated in Article 27 paragraph (2) of the 1945 Constitution According to the preamble to Article 27 paragraph (2), every citizen has the right to choose, obtain, or change jobs and get a job. decent income at home or abroad, as guaranteed by article 31 of law number 13 of 2003 concerning the workforce. The placement of workers abroad is aimed at placing workers in the right job positions based on their expertise, skills, talents, interests, and abilities, with due observance of dignity, human rights, and legal protection. (Article 32 Paragraph (2) of the Manpower Law).¹⁸

Labor law regulates the working relationship between workers/employees and employers, namely individual interests. Adjustment of the working relationship between workers and employers basically includes the rights and obligations of the parties. The definition of rights and obligations always has a reciprocal relationship between the two. Employee rights, employees are the employer's obligations. In front of. The employment relationship cannot be separated from the work contract that has been made by the parties. In Indonesian law, some are translated as agreements and some are interpreted as agreements.¹⁹

Employment protection seeks to ensure the continuity of an employment

relationship system without strong-weak pressure, stable employment and livelihoods regardless of gender, ethnicity, race, religion and political affiliation consistent with the interests and abilities of the workforce involved, including equal treatment of persons with disabilities. Employers provide the rights and obligations of workers or workers regardless of gender, national origin, race, religion and political affiliation.²⁰

CLOSING

1. CONCLUSION

Legal protection is the protection of the dignity and worth, as well as the recognition of human rights held by legal subjects on the basis of statutory provisions against arbitrariness or as a set of rules or regulations that can protect one thing from another. According to Satijipto Raharjo, legal protection is what guarantees the protection of human rights (HAM) that are harmed by others and this protection is given to the public to enjoy all the rights granted by law. The expression "protect all Indonesian countries" means and carries a deep meaning, which means that protection means that there is an effort to protect citizens in all aspects of life from oppression or exploitation of Semennonenic from other parties, In law No. 13 of 2003 and Kepmenakertrans No. 101/Men/VI/200 there is no detailed classification regarding the types of main work (main activity) and additional work (non-main activity), the category of decisions determined is general. Law No. 13 of 2003 Article 31 refers to the rights of each worker to choose, obtain or transfer jobs and earn good income. The placement of workers abroad is aimed at placing workers in the right job positions based on their expertise, skills, talents, interests, and abilities, with due observance of dignity, human rights, and legal protection.

2. SUGGESTIONS

Maybe the study I did was not in-depth, due to limited time and also less possible circumstances due to the corona pandemic which is endemic, it is necessary to do further research on labor law protection.

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