

# Trade Union: One Aspect of Worker Rights Protection in Company

Totok Tumangkar  
 Faculty of Law University 17 Agustus 1945 Semarang - Indonesia  
 totok.yb2jnz@gmail.com

**ABSTRACT**--*The aim of this study is to describe the role of trade unions in protecting workers' rights. The result of this study shows that Trade Unions in their duties and functions have shown optimal roles through persuasive communication, namely dialogue between workers and companies as a family. Obstacles faced by Trade Unions include lack of understanding of workers who have problems with the information obtained, lack of knowledge of the articles in the Collective Labor Agreement, causing industrial relations disputes in the company. Efforts undertaken by Trade Unions to protect workers' rights and resolve disputes include distributing collective labor agreements in the form of books to workers, conducting socialization and explaining the contents of collective labor agreements to all workers, improving communication and optimizing employment discussions so that they can play a role and functioning as expected.*

**Keywords:** *trade unions, rights protection, workers' rights*

## I. INTRODUCTION

The State of Indonesia is a large country, both in terms of its territory and population. The total population of Indonesia is currently around 264 million, and it is projected to continue to increase to 318 million by 2045. In terms of quantity this is a large base capital for Indonesia's development. However, a large quantity will cause various problems if not balanced with a good quality of life. Human development must be the main focus of the government so that in the future the capital we have will be a strong foundation in Indonesia's development.

Basically the concept of human development has been introduced since 1990 by the United Nations Development Program (UNDP) in the Global Human Development Report. The term human development in the Human Development Index Report (HDR ) (2001: 10) is the process by which people can expand their choices. The main purpose of HDR is to create an environment that allows people to enjoy longevity, health, and lead productive lives. Achieving this goal depends on four main things, namely productivity, equity, sustainability, and empowerment. Important factors in HDR are human freedom to get health, education, good physical environment and freedom of action.

In the field of employment relations in Indonesia, also known as the Principle of Liberty (the principle of freedom). This principle is contained in Article 28 D Paragraph (2) of the 1945 Constitution which reads as follows "Everyone has the right to work and to receive

compensation and fair and proper treatment in employment relations". This provision implies that every citizen regardless of any differences that exist in a person is entitled to get and do work and receive compensation fairly.

Likewise in article 28 E paragraph (3) of the 1945 Constitution states that "Every person has the right to freedom of association, assembly and issue of opinion". The understanding of the above provisions is that every citizen, regardless of differences in race, sex, religion, etc., has the right to be part of an organization and to use the organization for its interests fairly by obtaining protection of freedom of association, assembly and expression .

The freedom of association desired by workers in trade unions is not granted by the Government of the Republic of Indonesia as such, but arises because of the development of the labor movement in Indonesia since the colonial era until the issuance of Law Number 21 of 2000 concerning Trade Unions.

The purpose of the establishment of labor unions is to provide protection, defense of rights and interests and improve decent welfare in addition to workers as well as their families. This can be seen in Article 4 Paragraph (1) of Law Number 21 Year 2000, which reads: "Trade unions, federations and confederations of trade/labor unions aim to provide protection, defense of rights and interests, and improve decent welfare for workers and their families".

The right to associate and negotiate must be based on Industrial Relations where Industrial Relations are in accordance with General Provisions Article 1 number 16 of Law No. 13 of 2003 concerning Manpower is a system formed between actors in the process of producing goods and services (workers, employers and the government) based on values that are manifestations of the whole precepts of the Pancasila and the 1945 Constitution.

In Law Number 13 Year 2003 Article 1 number 22, industrial relations disputes are differences of opinion which result in conflict between employers or employers' associations with workers or trade/labor unions due to disputes regarding rights, interests, termination of employment and disputes between trade unions/labor unions in a company.

Trade unions are one of the few social institutions that are potentially able to promote equality and social justice, especially through the role they play in organizing collective power and the strategies they employ in a democratic atmosphere as a counterweight to capitalism. Democracy is an absolute requirement for the existence of

workers' organizations to fight for their interests, and many historical experiences show that they are also capable of bringing a more equitable atmosphere in society, which is enjoyed not only by itself but also by the people, and therefore makes them part of the fighters for democracy consistent.[1]

Workers' rights and protections fought for and defended by trade unions in a company are the rights and protections provided by law. The law protects a person's interests by allocating a power to him to act in the framework of his interests.[2]

Based on some of the explanations above, the goal to be achieved by the author in carrying out this research is to find out more about how the role of trade unions as protectors of workers' rights in the company.

## II. FINDINGS AND DISCUSSION

The existence of workers is a crucial factor in the industrial world. Without workers, business owners cannot run their businesses properly. On the other hand, workers also cannot act arbitrarily when carrying out obligations at work.

A law is needed that specifically regulates the relationship between business owners and workers and labor. Indonesia is a country based on law, all rules concerning the rights and obligations of citizens must have clear written law.

The main foundation of labor and employment law in Indonesia is none other than the 1945 Constitution. Through the 1945 Constitution, every citizen has the right to obtain decent work and livelihood. In addition, Law No. 13 of 2003 concerning Manpower is the basic foundation of labor and employment law in Indonesia. This law has a total of 193 articles and has a wide legal scope. This law also regulates the status of industrial relations in each type of business. Ranging from small businesses, medium to large businesses.

This law also regulates the employment relations that take place between workers and companies, including the protection, rights and obligations of each worker and employer. In particular, the problem that often comes under the spotlight of the Manpower Law is related to outsourcing policies, cheap wages, and layoffs that occur arbitrarily.

In Law Number 13 Year 2003 Article 1 number 22, industrial relations disputes are differences of opinion which result in conflict between employers or employers' associations with workers or trade/labor unions due to disputes regarding rights, interests, termination of employment and disputes between trade unions/labor unions in a company.

The need for workers for an organization that functions to defend, protect and fight for their rights during industrial relations disputes in the company is the reason for the formation of the agency. This can be seen in Article 4 Paragraph (1) of Law Number 21 Year 2000, which reads: "Trade unions, federations and confederations of trade/labor unions aim to provide

protection, defense of rights and interests, and improve decent welfare for workers and their families".

The first trade union on Java was formed in 1905 in the Railway Company, but this union and other trade unions were under European control and only recruited a small number of Indigenous workers.[3] Many trade unions began to form and expanded in the 1910s immediately after World War I when the unions carried out a wave of continuous and quite successful strikes until 1921.

In 1920 it was recorded that there were around 100 trade unions with 100,000 members. This is inseparable from the efforts made by labor activists to popularize the Trade Unions in various ways such as posting pamphlets, newspapers and leaflets. An increasing number of wage laborers in urban areas are expanding, aware of the exploitative conditions in which they work and live, and begin to believe that they might be able to make improvements. At that time, trade unions were actively working hard to increase wages and also improve working conditions for members, through various methods, one of which was a strike.

The trade union movement weakened at the birth of the *Orde Baru* (New Order) in 1965. President Soeharto at that time destroyed all progressive movements including the labor movement which was paralyzed by accusations of involvement in a coup attempt claimed by the Indonesian Communist Party (PKI) with the September 30 Movement (G30S). The destruction of the labor movement was not only experienced by labor organizations under the PKI, but all labor organizations that existed at that time, so that the New Order was born and developed with the systematic disappearance of a balancing force from social organizations with welfare demands and social justice such as trade unions, which for more than 30 years were under strict control of the State without the opportunity to become a real balancing force.

After the reforms which brought down the power of the New Order in 1998, changes began in particular with the relaxation of the procedures for the formation of trade unions. Once he came to power, President Habibie ratified ILO Convention No. 87 guarantees the right to association for workers. This convention complements Convention No. 98 of collective bargaining which had been ratified since the 1950s. Previously the Minister of Manpower Fahmi Idris also issued a Regulation of the Minister of Manpower which required all existing labor unions, including SPSI, to re-register. This makes it possible for the emergence of new unions that have sprung up afterwards, both those that are a fraction of the SPSI and those that have only just been formed after the reformation.[5]

Then at present, the existence of a Workers Union in a Company must be formally and legally recognized by the company in an employment agreement and registered with the City Manpower and Transmigration Office where the company is established.

After acknowledging the existence of the Workers' Union by the company, and vice versa, the Workers'

Union recognizes the Company, namely 1) determining the number of workers and placing them in certain parts, 2) determining the contents of the job (Job Description) in each field of duty and work time, 3) make work, operational and safety regulations, 4) determine the efficient use of labor and various work regulations, methods, processes, procedures and operational schedules, 5) carry out promotions, carry out transfers to locations or jobs, release tasks and conduct demotion, 6) conduct disciplinary action, give warning letters to Workers who commit violations in accordance with the provisions of the Collective Labor Agreement and applicable laws and regulations, and finally 7) The implementation of the abovementioned matters adheres to the laws and regulations. valid invitation and enthusiasm and spirit of Indu Relations strial.

Work relations between companies and workers based on work agreements have three main elements, namely work, wages and orders. With the fulfillment of these three elements there must be an employment relationship made in a written and oral work agreement contained in the Work Agreement.

Workers' rights are generally listed in Company Regulations, Work Agreements, and Collective Labor Agreements. A trade union that has a registration number, the rights and obligations of this trade union are legally recognized by the Law. Thus the rights and obligations of trade unions are contained in Law Number 21 of 2000 Article 25 and Article 27.

The rights of trade unions, namely: 1) making joint work agreements with employers, 2) representing workers in resolving industrial disputes, 3) representing workers in labor institutions, 4) forming institutions or carrying out activities related to efforts to improve workers' welfare, and 5) other activities in the field of employment that are not in conflict with the laws and regulations.

On the other hand, trade union obligations, namely 1) protect and defend members from violations of rights and fight for their interests, 2) fight for the improvement of the interests of members and their families, 3) hold the organization accountable to its members in accordance with the AD/ART.

When a conflict occurs it is not necessary to involve most or all workers which can disrupt or stop the production process. Trade Union Management functions to represent workers in the company to bridge and straighten problems between workers and company management.

Implementation of Trade Union Functions based on rights and obligations is stated in the Work Agreement. If the Work Agreement that has been mutually agreed upon is implemented properly because what has been written and agreed has been bound as contained in the articles in the Agreement complied with by the worker then there will be no conflict in the sense of harmony and peace.

The role of trade unions in the protection of workers' rights based on conditions on the ground is to persuasive communication and dialogue between

workers and companies as a family in cases of disputes regarding minimum wage demands and holiday allowances. Settlement of this dispute case is by good communication between workers and the company. Then a reciprocal correlation occurs and the dispute can be resolved.

The obstacles and constraints faced by Trade Unions in bridging workers and company management are very significant. Here are some things that still become obstacles, namely the level of education of workers who are classified as low makes them less clear understanding of information about the problem. I forbid information and understanding of the articles in the Work Agreement and existing regulations lead to miscommunication among some of the problem workers.

Another obstacle is that there are still workers who think about their own rights, again due to lack of information and understanding of the articles in the Work Agreement because they have not studied the contents, causing industrial relations disputes in the company. For example, there are cases where workers feel that their wages are still relatively low and thus demand a raise. Though the company's ability at that time was not sufficient to raise wages, they did not want to know and did not want to read the procedures in the Work Agreement. Workers should study and understand the contents of the Work Agreement because in that agreement their rights and obligations are regulated and agreed upon.

The efforts of the Trade Unions to overcome these obstacles in order to avoid disputes is to disseminate information on the Work Agreement on a massive and sustainable basis. One way is by printing and distributing copies of the Work Agreement in book form to workers, conducting socialization and explaining the contents of the Work Agreement to all workers. This is done together with employers with the hope that in the future all related parties will know and understand the contents of the Work Agreement.

In addition, Trade Unions also improve communication and optimize employment discussions both with the Company and with Workers so that they can play roles and function as expected. Trade Unions also take a variety of approaches to solving problems. To optimize meeting time to be effective, the Trade Union seeks to summon problem workers appropriately and formally by giving official letters that have clear locations and times of summons so that coaching will be more timely and efficient (not disrupting working hours).

### III. CONCLUSION

Trade Unions in their duties and functions have shown optimal roles through persuasive communication, namely dialogue between workers and companies as a family. Obstacles faced by Trade Unions include lack of understanding of workers who have problems with the information obtained, lack of knowledge of the articles in the Collective Labor Agreement, causing industrial relations disputes in the company. Efforts made by Trade

Unions to protect workers' rights and resolve disputes include distributing collective labor agreements in the form of books to workers, conducting socialization and explaining the contents of collective labor agreements to all workers, improving communication and optimizing employment discussions so that they can play a role and functioning as expected.

#### REFERENCES

- [1]. Surya T., *Opini: Refleksi Kritis terhadap Putusan Pengadilan Hubungan Industrial pada Mahkamah Agung terkait Perkara yang Bernuansa Tindakan Anti-Serikat Buruh (Putusan No. 97 PK/Pdt.Sus/2012, Putusan No. 786 K/Pdt.Sus/2012, Putusan No. 403 K/PDT.SUS/2008, dan Putusan No. Putusan No. 203 PK/Pdt.Sus/2012.*
- [2]. S. Rahardjo, "*Ilmu Hukum*," PT. Citra Aditya Bakti, 1996.
- [3]. John I., *Perkotaan, Masalah Sosial, & Perburuhan di Jawa Masa Kolonial*, Jakarta: Komunitas Bambu, 2013.