

Received : November 06, 2021
Accepted : November 13, 2021
Published : February 08, 2022

Conference on Community Engagement Project
<https://journal.uib.ac.id/index.php/concept>

ASSISTANCE FOR THE DRAFT OF WORKING CONTRACT AGREEMENT FOR EMPLOYEES AT CV TRANS MANDIRI SUKSES

Nur Hadiyati ¹, Rinto Sibarani ²

^{1,2}Universitas Internasional Batam

Email: 1851043.rinto@uib.edu

Abstract

The implementation of community service carried out by the author this time is located at CV Trans Mandiri Sukses. Where CV Trans Mandiri Sukses is a sewing clothing industry business that was founded on December 22, 2018, and until now it has had 4 employees including the owner, and based on observations and interviews with the owner of the CV it was found the fact that the business was founded until now there is no legal certainty regarding written work agreements made between the owner and his employees because the worker acceptance system is only limited to verbal delivery. So that there is no clear certainty between the workers and the business owners regarding the rights and obligations of each party, for this reason the author takes the title, namely Assistance in the Preparation of a Draft Employment Contract Agreement for Employees at CV Trans Mandiri Sukses. It is hoped that this service can help partners related to drafting work agreements for employees at CV Trans Mandiri Sukses which can be used in the future. During the service carried out, the author uses an implementation method which is divided into 4 stages, namely the preparation stage by conducting surveys and interviews, the implementation stage by engaging in service, the assessment stage by concluding the results of the question and answer session with partners and supervisors and the reporting stage by making a service report. community based on data obtained during service which consists of articles, draft work agreements and service reports which are then able to answer problems for partners so far

Keywords: *Company Regulations, Employees, Rights and Obligations.*

Introduction

In the business world, intense competition is a common thing that requires business actors to continue to innovate in order to maintain their business. Where to answer the competition that exists in the field various ways are carried out by business actors so that their business can continue to run in line with the times. Where one of them is taking care of the legality of its business in order to make it easier to do business cooperation, one of which is to establish an initial business entity called CV. CV or limited liability company is a company founded by one or

several people who are fully responsible for, or as a soldier with one or more people as moneylenders as regulated in the Commercial Code (KUHD) (Nasution & Kurniawan, 2019). In addition to the importance of establishing a business entity, another thing that is no less important in running a business is to think about the welfare of employees, where business actors do not forget to also bind their workers into a contract which will later become the legal basis for workers and employers in carrying out their obligations. Where the agreement is poured into an agreement which is often known as an employee employment contract agreement. According to Wiwoho Soedjono, a work agreement or work contract itself is a legal relationship between a person who acts as a laborer and someone who acts as an employer to carry out something with a wage (Putra, 2017). In a counter-employment agreement, it is usually carried out by the worker or laborer with the employer. Broadly speaking, the Manpower Law classifies work agreements into a Specific Time Work Agreement (PKWT) and an Indefinite Work Agreement (PKWTT) (Sengkey, Aneke, & Siar, 2021). PKWT is a work agreement between the worker and the entrepreneur in order to carry out a work relationship within a certain time for certain jobs (Sengkey, Aneke, & Siar, 2021). While PKWTT is a work agreement between workers and employers to carry out a permanent working relationship (Sengkey, Aneke, & Siar, 2021). Regarding PKWT and PKWTT itself, it used to be regulated in the Manpower Law where there were many complaints from the public against legal certainty for PKWT workers which was regulated in the Manpower Act (Purnama, 2021). So that in 2020, Law No. 11 of 2020 concerning Job Creation (UU Cipta Kerja) was issued which later became a reference for other derivative regulations such as Government Regulation No. 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time, and Termination of Employment (PP 35 of 2021) (Purnama, 2021). Which is now a reference in the application of work contract agreements between employees and companies in Indonesia. Basically PKWT and PKWTT are an employment contract agreement between workers and employers that regulates what rights the parties have and the obligations of the parties (Putra, 2017). Where there is an agreement between the parties on the work agreement made is a form of fulfillment of Human Rights (HAM) in empowering workers in providing protection for workers in order to improve the welfare of workers and their families (Putra, 2017). Seeing how important an employment contract agreement is for workers and the absence of strong legality related to the time period for workers at CV TRANS MANDIRI SUKSES made Mr. Abdullah as the owner of CV. TRANS MANDIRI SUKSES aware of how important it is to bind employees into a work contract. For this reason, seeing the description above, the author is interested in making a draft of a work contract agreement for employees at CV Trans Mandiri Sukses for the sake of creating legal certainty regarding the rights and obligations between employees and business owners.

Methods

In carrying out this service activity, the author uses empirical research methods by examining data obtained directly in the field (Siska, 2021). Where in the data collection stage the author uses field survey techniques, observations, documentation and interviews with legal subjects, namely the owner of the CV, namely Mr. Abdullah related to problems or assistance needed by Mr. Abdullah as a partner. In the implementation stage the author divides into 4 stages, where the first stage is the preparation stage where the author conducts surveys, observations, documentation and interviews with partners related to existing problems. The second stage is the implementation stage where the author carries out service activities, the output of which is a draft of a work contract agreement obtained based on regulations related to the theme being studied. The third stage is the assessment stage, where the author is given an assessment related to the results of the implementation of community service activities by concluding the opinion of Mr. Abdullah as the owner of the place of business as a partner and Mrs. Nur Hadiyati as a supervisor which is carried out with a question and answer session related to the implementation of these activities. And finally, the reporting stage, where the author makes and completes all reports of community service activities that have been passed based on the results or outcomes that have been achieved in the form of drafts of work contract agreements, articles, and PKM reports.

Result and Discussion

In carrying out and compiling this community service report the author has gone through various stages in completing this service starting from submitting a proposal, requesting permission to carry out service activities to related partners, namely CV TRANS MANDIRI SUKSES which was followed by a field observation process accompanied by interviews with the owner of CV TRANS MANDIRI SUCCESS. Where in the process of observation and interviews conducted, information was obtained that the business has been running since 2018 where starting from 2018 until now regarding the mechanism for the appointment of employees it is only based on a verbal agreement between the owner and prospective employees by mentioning what are the obligations prospective employees without clearly stating the rights and obligations of each party. Based on the description above, in the process of designing the output of this activity, the author also designs a draft work contract agreement with the type of PKWT and provides an understanding of the designed work contract agreement. In making the draft work contract agreement, it begins with making a work contract text that is designed in accordance with Article 13 PP 35 of 2021 where at least the contents contain the identity of the parties, the object of the agreement, the time and location of the agreement, the rights and obligations of the parties, the term of the agreement and the signatures of the parties.



Gambar 1. Work Contract Draft

After the draft of the work contract agreement has been completed, in the process of implementing this output, the author finally submits a hard copy of the draft employee contract agreement letter to the owner of CV TRANS MANDIRI SUKSES, at the same time the author also explains the substance contained in the output to the owner. partner, but in the end the partner asked for the abolition of several articles in the draft contract agreement because they felt that the article was financially burdensome in CV TRANS MANDIRI SUKSES.



Gambar 2.

The Process of Granting a Draft PKWT Work Contract Agreement Stage 1

After receiving this input, the author made several revisions requested by the partner regarding the deletion of several articles related to the article that regulates the treatment and severance pay, and after a few days later the author came back to provide a hard copy of the work contract agreement that had been adjusted to the partner's request, and in the end the partner agreed to the outcome of the community service and plans to use the output of community service as soon as possible by the author at the time of hiring new employees.



Gambar 3.

The Process of Granting a Finalized PKWT Work Contract Agreement Draft

In the process of implementing the output, not only interacting with the owner of the place of business, but also interacting with some of the existing workers. Where the author also explains how important a work contract agreement letter is for workers who are expected to provide an understanding for workers who will then begin to make new work agreements in order to protect the rights and obligations of the parties.



Gambar 4.

The Process Of Providing Understanding Regarding The Importance Of Contractual Agreements For Employees

After the completion of the outcomes in community service activities carried out at CV Trans Mandiri was successful, it can be seen that the conditions after the implementation were carried out, namely the partners felt that the output in the form of a draft work contract agreement was very helpful, which could change the understanding of Mr. Abdullah as the owner of CV TRANS MANDIRI SUKSES regarding the importance of a work agreement. because with the existence of a work contract agreement, it becomes a legal umbrella for the parties.

In addition, if previously employees felt that there was uncertainty regarding work leave, benefits, bonuses, etc. However, when there was a work contract agreement, the employees felt that their rights had been guaranteed. So that partners and workers really feel the positive impact related to the community service program carried out by the author at CV TRANS MANDIRI SUKSES

Conclusions

CV. Trans Mandiri Sukses is a business engaged in the sewing clothing industry from small to large parties located on Jl. Kartini 2 number 8 Sei Harapan Sekupang. Where this business has been around since 2018 and until now it has had 4 employees. However, based on field observations, it was found that since 2018 until now regarding the mechanism for the appointment of employees, it is still only based on a verbal agreement between the owner and prospective employees. So the rights and obligations of the parties are not clearly explained. For this reason, the author takes assistance in the preparation of a draft employment contract agreement for employees at CV Trans Mandiri Sukses. So that when this activity has been completed, it can be seen that this activity is very helpful for partners and is able to provide knowledge for employees and employers regarding the importance of making a work contract agreement (PKWT) to provide guarantees regarding the

rights and obligations of the parties. And it is hoped that the output of this activity in the form of a draft work contract agreement can be used as soon as possible

References

- Undang-undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan.
- Peraturan Pemerintah Republik Indonesia Nomor 35 Tahun 2021 Tentang Perjanjian Kerja Waktu Tertentu, Alih Daya, Waktu Kerja Dan Waktu Istirahat, Dan Pemutusan Hubungan Kerja.
- Nasution, K., & Kurniawan, A. (2019). Pendaftaran Commanditaire Vennotschap (Cv) Setelah Terbitnya Permenkumham No 17 Tahun 2018. *JHP17: Jurnal Hasil Penelitian*, 4(01), 50-68.
- Purnama, N. (2021). Perlindungan Hukum Tenaga Kerja Dan Pengusaha Dalam Pelaksanaan Perjanjian Kerja Pasal 59 Berdasarkan Undang-undang Nomor 11 Tahun 2020 Tentang Cipta Kerja. *Pakuan Justice Journal Of Law*, 2(1), 74-86.
- Putra, C. V. A. (2017). Urgensi Klausula Definisi Dalam Perjanjian Kerja. *Kertha Patrika*, 39(1), 61-77.
- Sengkey, G. S., Aneke, S., Siar, L. (2021). Perjanjian Kerja Waktu Tertentu (PKWT) Berdasarkan Hukum Ketenagakerjaan. *Lex Privatum*, 9(6), 130-140.
- Siska, J. T., & Hadiyati, N. (2021). Pendampingan Perancangan Kontrak Kerja di PT. Balindo Central Abadi Batam. In: *ConCEPT-Conference on Community Engagement Project*, 1(1), pp. 303-307.