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THE URGENCE OF RENEWING COMPANY REGULATIONS ACCORDING TO LAW NUMBER 11 OF 2020 AT PT. BAHTERA BAHARI SHIPYARD

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Abstract

This paper aims to provide further explanation regarding the urgency of renewing Company Regulations according to Law Number 11 of 2020 concerning Job Creation. Due to the Covid-19 pandemic, all sectors were affected and many struggle to survive. Considering that in Indonesia there have been many regulations that have been made, therefore, there is often overlap between regulations which then creates a conflict of authority between one institution and another. These factors then strengthen the reasons for the ratification of Law Number 11 of 2020 concerning Job Creation which also known as Omnibus Law, even when it has received a lot of criticism from various parties. Every company engaged in the trade of services and/or goods, in the realization of its management and daily activities related to employment, definitely requires a company regulation in accordance with applicable regulations and is obeyed by all employees in order for the company to run well. Based on the principle of *lex posterior derogat legi priori*, where the interpretation of the new law overrides the old law. In this case, the current labor regulation is Law Number 11 of 2020 concerning Job Creation, while the old law is Law Number 13 of 2003 concerning Manpower. In carrying out Community Engagement Project, the author conducts interviews with partner's representatives and observes partner's location. The output target of this activity is to assist partners in the preparation of legal document. The revised Company Regulation is then submitted to partners. Furthermore, the author provides an explanation of the contents of the clauses from the output of the activity, so that there are no misunderstandings or misunderstandings from the partners. And then the output of this activity will be directly implemented and used as a guide for partners in running their business.

Keywords: *Urgency, Regulation, Company*

Preliminary

Currently the whole world is still faced with a global pandemic that occurred at the end of December 2019 in Wuhan, China. It is referred to as the Covid-19 Outbreak caused by a new type of virus called Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2) by the World Health Organization (WHO). This virus is part of the Orthocoronavirinae virus family which is known to attack humans in addition to the SARS and MERS viruses. Until March 2020, WHO has utilized social distancing or physical distance so that there is no higher rate of transmission of COVID-19. In Indonesia, the government also sets a policy by issuing Government Regulation Number 21 of 2020 concerning Large-Scale Social Restriction Policies in the hope of preventing the acceleration of the spread of the corona virus. On October 5, 2020, during the COVID-19 pandemic, the Indonesian National Legislative Body passed the highly controversial 'Omnibus Law' on Job Creation. This statutory regulation with a massive page of 1187 pages was then signed by President Joko Widodo and came into effect on November 2, 2020 and is now officially known as Law no. 11/2020 concerning Job Creation). This Law on Job Creation introduces a new framework for business licensing and then simultaneously amends 77 existing national laws covering a very wide range of issues. Amendments to labor laws and social security are also key aspects of this Law on Job Creation, and this article will focus on this group of labor-related amendments and their urgency. The law has introduced various changes to the 2003 Manpower Act on fixed-term contract arrangements and outsourcing, wage fixing, dismissal, severance pay, leave, working time, and the use of foreign workers - most of which reduce existing worker protections. The law also introduces unemployment insurance as an additional form of workers' social security scheme, and changes some aspects of the Overseas Migrant Workers Act 2017. The Employment Creation Law has been enacted, but is still in the form of a legal umbrella – as with other issues covered by the law, the cluster of amendments to the Manpower Law still requires the implementation of a number of government regulations to be followed up in full. All of these regulations are supposed to come into effect within three months of the Law coming into effect (at the latest 2 February 2021) although it is unclear whether this grace period will be met.

With the enactment of Law Number 11 of 2020 concerning Job Creation or also known as the Omnibus Law on October 5, 2020, it is in accordance with the principle of *lex posteriori derogat legi priori* where the new law overrides the old law. Thus, the current Manpower Law no longer refers to Law Number 13 of 2003 concerning Manpower, but should refer to Law Number 11 of 2020 concerning Job Creation. Not unlike the case with Company Regulations, the majority of companies have not updated their provisions as ratified in Law Number 11 of 2020 concerning Job Creation and are still referring to the provisions stipulated in Law Number 13 of 2003 concerning Manpower. One of the companies that has not updated the Company Regulations in accordance with Law no. 11 of 2020

concerning Job Creation is PT. Bahtera Bahari Shipyard. Established in 2005 in Batam, Indonesia, PT. Bahtera Bahari Shipyard is a company engaged in shipbuilding and repair which is located at Jl. Patimura, Sei Kasam – Telaga Punggur RT 003 RW 002 Kel. Kabil, District. Nongsa – Batam City. Working hours and hours for offices are Monday to Friday at 08.00 - 16.00 and Saturday 08.00 - 12.00. Regarding operational hours in the field, it is not determined, due to overtime hours that are adjusted to conditions in the field. From tankers to luxury liveboard vessels, from 8 hectares expanded to 52 hectares of compacted land shipyards with approximately 320-meters of sea level, with drafts and concrete floors up to 20 meters, can accommodate various projects of all sizes at any point. PT. Bahtera Bahari Shipyard provides shipbuilding solutions for Barges, Work Barges, Self-Propelled Barges, Tugboats, Submarines, Dredgers, and Craft Landings. Portfolio of PT. Bahtera Bahari Shipyard continues to improve, as more than 300 ships of various types have been completed and delivered to many satisfied clients.

PT. Bahtera Bahari Shipyard has obtained ISO 9001, ISO 14001 and OHSAS 18001 certifications, in addition to its own quality and safety standards. Using our technology and experience, we offer high quality products and services in new shipbuilding, renovation and repair. By carrying out this activity, partners will gain an understanding of the importance of updating the Company Regulations by referring to the latest regulation, namely Law no. 11/2020 concerning Job Creation as a form of legal certainty at work. In addition, the benefit of this activity is to produce a draft of the Revised Company Regulation which can be used as a working guide for Partners in running their business. Thus, it can create a more structured company work environment and a more organized company administration.

Problem

After visiting several locations of potential partners, the author finally decided to apply for a practical work permit to PT. Bahtera Bahari Shipyard as a partner in Community Service activities. In several meetings with partners, the author uses research methods with interview and observation techniques in order to obtain more detailed information and understand the partners' conditions well. So, the author can find the existing problems and draw a conclusion. PT. Bahtera Bahari Shipyard in running its business already has a Company Regulation, but still refers to Law no. 13 of 2003 concerning Manpower. Considering that PT. Bahtera Bahari Shipyard is a company engaged in shipbuilding and shipbuilding that has a relatively large number of employees, so there is an urgency to update the Company Regulations by referring to the latest Act currently in force, namely Law no. 11 of 2020 concerning Job Creation.

Method

(1) Implementation Method

In collecting and using data as the basis for compiling the output, the authors use the following techniques.

a. Interview

Interviews are one of the most widely used data collection techniques by researchers. Interviews were conducted by asking questions directly to respondents or resource persons. The author uses a technique in the form of this interview by giving some light questions to partners, in order to understand the conditions and see if there are problems experienced by partners at this time.

b. Observation

Observation is a collection technique carried out by direct observation. After conducting interviews and obtaining some information from partners, the author decided to conduct direct observations at PT. Bahtera Bahari Shipyard. From these observations, the authors can observe how the business conditions of partners during operating hours are then written in notes to be adjusted to the revised Company Regulations that will be made.

(2) Location, time and duration of activities

The Community Service (PKM) activities carried out by the author are located at PT. Bahtera Bahari Shipyard, whose address is at Jalan Jl. Patimura, Sei Kasam – Telaga Punggur RT 003 RW 002 Kel. Kabil, District. Nongsa – Batam City. This activity is carried out within a period of 2 (two) months, from July 1, 2021 to August 31, 2021. The following is a photo of the location of PT. Bahtera Bahari Shipyard, which is one of the companies engaged in shipbuilding and shipbuilding in Kabil, Batam City.



Picture 1.1 PT. Bahtera Bahari Shipyard Office' Photo



Picture 1.2 PT. Bahtera Bahari Shipyard's Photo



Picture 1.3 PT.Bahtera Bahari Shipyard's Photo



Picture 1.4 PT.Bahtera Bahari Shipyard's Photo



Picture 1.5 PT.Bahtera Bahari Shipyard's Photo



Picture 1.6 PT.Bahtera Bahari Shipyard Logo

Thereafter, the following is attached a photo of the author's documentation while he was at the location of PT. Bahtera Bahari Shipyard. Overall, the condition of the partner's location is very neat and comfortable.



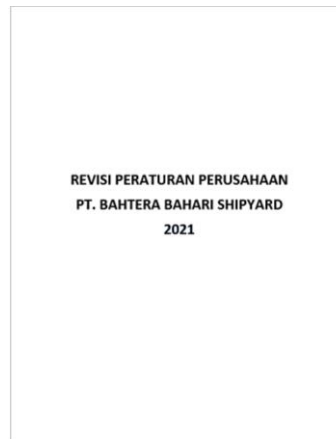
Picture 1.7 Author's photo at the office location of PT. Bahtera Bahari Shipyard

Discussion

The implementation of Community Service is carried out at the PT. Bahtera Bahari Shipyard by scheduling several meetings with 3 (three) worker representatives from PT. Bahtera Bahari Shipyard. During the meeting, discussions were held on the concept of activity outcomes for 2 (two) months from July to August 2021. The output target of this activity is to assist partners in the preparation of legal document. In this case the output of the intended activity is the Revised Company Regulations of PT. Bahtera Bahari Shipyard compiled by the author, with reference to Law Number 11 of 2020 concerning Job Creation. Company Regulations are regulations made in writing by employers that contain work requirements and company rules and regulations. The Company Regulation is a follow-up to the work agreement which in principle only contains simple working conditions that are binding between one employee and the company, for example regarding wages, work, and other distributions (Emolumenten).

The revised Company Regulations which are the output of this program are then submitted to partners. Furthermore, the author provides an explanation of the contents of the clauses from the output of the activity, so that there are no misunderstandings or misunderstandings from the partners. And then the output of this activity will be directly implemented and used as a guide for partners in running their business. Until now, there are still many companies that have not updated their company regulations, there are even companies that do not have company regulations that can be used as guidelines in running their business. The majority do not understand well the urgency to update policies in their companies by referring to the latest regulations in accordance with the principle of *lex posterior derogat legi priori*, which means that the interpretation of the new law overrides the old law. In this case, what is meant by the new law is Law Number 11 of 2020 concerning Job Creation, while the old law is Law Number 13 of 2003 concerning

Manpower. The conditions after the activity outputs have been implemented have not been so significant. However, the revision of the Company's Regulations based on the latest legal basis currently in force can be used as a guideline in their work and provide encouragement for employees of PT. Bahtera Bahari Shipyard to comply with discipline, keeping in mind the sanctions in accordance with the current regulations if a violation occurs.



Picture 1.8 Cover of Revised Company Regulations PT. Bahtera Bahari Shipyard

Conclusion

In this program, the author chose PT. Bahtera Bahari Shipyard which is one of the companies engaged in shipbuilding and shipbuilding in the city of Batam since 2005 as a partner. PT. Bahtera Bahari Shipyard has not updated the company regulations in running its business by referring to Law Number 11 of 2020 concerning Job Creation which was ratified on November 2, 2020, so the author finds there is an urgency to revise the Company Regulations in order to form a better company system, to avoid miscommunication between the company and employees. The author carries out the Community Service program at PT. Bahtera Bahari Shipyard. In this case, the author has succeeded in achieving the target of assisting in the preparation of legal documents. The output of the activity in question is the draft of the Revised Company Regulation of PT. Bahtera Bahari Shipyard. While designing the activity outputs, the writer uses interview and observation methods in collecting data. The author conducts discussions and revisions together with partners regarding the contents of the clauses from the activity outputs. So that in the end, the activity target was achieved, namely the Revision of Company Regulations by referring to Law Number 11 of 2020 concerning Job Creation. And that the outcomes of these activities have been discussed by internal partners to be implemented and the benefits are starting to be felt even though the results have not been seen significantly. Furthermore, the author would like to express his deepest gratitude to PT. Bahtera Bahari Shipyard who has agreed to become a partner of this Community Service program, because

PT. Bahtera Bahari Shipyard has given the author the opportunity to carry out the Community Service program, in order to assist in the preparation of legal documents. Thus, the entire series of this program can be carried out smoothly and produce outputs of activities that are beneficial to the parties.

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