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ASSISTANCE IN RENEWAL PT GOLDWELL PLASTIC INDONESIA'S TEMPORARY EMPLOYMENT CONTRACT IN ACCORDANCE WITH THE APPLICABLE LAWS

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Abstract

Employment contract is the binding connection between companies and its workers. Employment contract itself can be divided into two types which are the temporary employment contract and the permanent employment contract. Temporary employment contract often found in larger companies such as PT Goldwell Plastic Indonesia. Temporary employment contract is one of company's legal document which is very crucial and must be drafted in accordance with provisions of applicable laws and regulations. With the legalization of UU No. 11 Tahun 2020 about Cipta Kerja which includes the revision of UU No. 13 Tahun 2003 about Ketenagakerjaan leads to the re-evaluation of the temporary employment contract that was used in PT Goldwell Plastic Indonesia in order to be accordance with the latest provisions of applicable laws and regulations. In order to achieve that, writer as student of law made an agreement with partner to revised the temporary employment contract in accordance with the latest provisions of applicable laws and regulations.

Keywords: *Accompany, Temporary Employment Contract, Employment Relationship, Employment*

Introduction

Employment contract is one of company's legal document that often used as the binding connection between companies and its workers. There are two types of employment contract in Indonesia which are Temporary Employment Contract and Permanent Employment Contract. According to Indonesia's applicable laws, regulations regarding employment was regulated in UU No. 13/2003 which later on revised by the infamous Omnibus Law or formally UU No. 11/2020. Omnibus Law is a regulation which have the purpose to streamline previous regulations. Omnibus Law in Indonesia was first mentioned by Indonesia's president at the moment, Joko Widodo. Main purpose of Omnibus Law itself are to intensify investment in Indonesia and also to prosper all the citizen of Indonesia. There are 11 clusters that have been revised in Omnibus Law and one of it is regarding employment. As we know that employment contract has regulations about employment which was regulated in UU No. 13/2003 before it was revised in the infamous Omnibus Law.

With the existence of Omnibus Law, those regulations should be revised according to the applicable laws. This has led many companies to renew their employment contract in this case like our partner, PT Goldwell Plastic Indonesia. PT Goldwell Plastic Indonesia is a manufacturing moulding injection company which often used temporary employment contract as the binding element of contract between company and its workers. The reasons why PT Goldwell Plastic Indonesia chose temporary employment contract is because the rolling of employee system in the company itself to prevent abuse of power by senior workers and also to increase job competition. The main purpose of this activity is for writer to assist the renewal of PT Goldwell Plastic Indonesia's temporary employment contract. Main result in this activity is temporary employment contract's draft that's in accordance with the applicable laws.

Problem

Our partner in this case, PT Goldwell Plastic Indonesia is a company that engaged in the manufacturing moulding injection which definitely has incredible amounts of workers and using the workers rolling system to avoid abuse of power by senior workers. As the result, PT Goldwell Plastic Indonesia used the temporary employment contract as the binding connection between company and its workers. The official announcement of Omnibus Law has resulting substantial changes in the employment regulations which lead to the need of renewal in many company employment contract including PT Goldwell Plastic Indonesia. Our partner feels the need to renew company's temporary employment contract to be updated according to the applicable laws.

Method

Data Gathering

Data used in this project was gathered by the method of interviewing the related subject in this case was Mr. Aprianto as the HR Manager of PT Goldwell Plastic Indonesia and Mr. Joni as the legal representative of the company. In additional to that, writer also interviews few member of PT Goldwell Plastic Indonesia randomly which are Mr. Jiawei from production department and Mr. Gorga from quality department. Writer also observe cycle of the company in order to retrieve much more information needed in this project.

External Design Process

In this project, the design or result achieved is the draft of temporary employment contract for PT Goldwell Plastic Indonesia. Throughout the making of the draft, writer gone through many procedure such as:

1. Interview some of the workers in PT Goldwell Plastic Indonesia
2. Examine the current temporary employment contract draft with the company legal representative
3. Decide on which regulations should be revised or renew in the current draft

5. Drafting the new draft of temporary employment contract which was given to the company legal representative to be evaluated
6. Revising regulations in the new draft in accordance with the evaluation of the company legal representative
7. Finalize the company temporary employment contract draft

Implementation

The implementation of this project is divided into 3 stages which are:

a. Preparation Stage



Picture 1.

Visiting PT Goldwell Plastic Indonesia

In this stage, writer decide on which location is selected to engage the project. After the location or partner are decided, writer made proposal regarding the project to supervisor to be accepted. After the proposal was accepted, writer made the MOU and MOA to Universitas Internasional Batam (UIB) then was accepted by the lead program of law in UIB. After all the paperwork was done, writer start to monitor the company and retrieving all the necessary information such as company profile, etc.

b. Implementation Stage

In this stage, writer do all the procedure as mentioned in the proposal before which are assistance in renewal of PT Goldwell Plastic Indonesia temporary employment contract. The renewal process includes:

1. Interview related instance and observe the working space in PT Goldwell Plastic Indonesia
2. Examine the current temporary employment contract
3. Renewal of regulations in current temporary employment contract alongside with the company legal representative
4. Finalize the company temporary employment contract

c. Final Report

In this final stage or known as the final report, writer will attach all of the project outcome such as:

1. Final Report
2. Project Article
3. Documentation
4. Temporary Employment Contract's draft

Discussion

Temporary Employment Contract

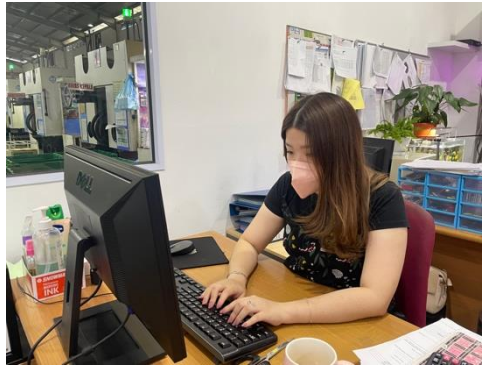
Employment contract is the legal binding between company and its workers. Employment contract is one of the legal document of the company which are essential in workers and company relationship. There are 2 types of employment contract in Indonesia which are the temporary employment contract and the permanent employment contract. According to PP No. 35/2021, Temporary Employment Contract are employment contract between workers and company to have work relationship in certain time or jobs. The importance of regulations in employment contract is one of the condition to achieve the perfect workers-company relationship. With the legalization of Omnibus Law through UU No. 1/2020, there are lots of regulations regarding employment that was revised, changed, or even erased. Because of this, company's temporary employment contract must also be revised in accordance with the regulations of current applicable laws. Few of the regulations that was regulated in Pasal 54 UU No. 13/2003 which stated:

“Perjanjian kerja yang dibuat secara tertulis sekurang kurangnya memuat:

- a. nama, alamat perusahaan, dan jenis usaha;*
- b. nama, jenis kelamin, umur, dan alamat pekerja/buruh;*
- c. jabatan atau jenis pekerjaan*
- d. tempat pekerjaan;*
- e. besarnya upah dan cara pembayarannya;*
- f. syarat-syarat kerja yang memuat hak dan kewajiban pengusaha dan pekerja/buruh;*
- g. mulai dan jangka waktu berlakunya perjanjian kerja;*
- h. tempat dan tanggal perjanjian kerja dibuat;*
- i. tanda tangan para pihak dalam perjanjian kerja”.*

Assistance in the Renewal

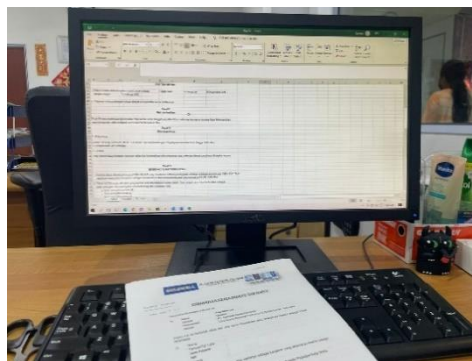
First step of this project are the meeting of writer and company's HR Manager which is Mr. Apianto. The meeting was held in PT Goldwell Plastic Indonesia which located in Citra Buana Industrial Park III Lot. 6, Belian, Batam Centre, Batam. In this meeting, writer and the company representative discuss about what will be done in this project which coincidently partner's company is in need of renewal in their temporary employment contract. In this meeting, company representative agreed to give the task to writer to assist company's legal representative to renew the temporary employment contract of PT Goldwell Plastic Indonesia. Writer then meets the company legal representative, Mr. Joni to discuss more about the regulations that needed to be studied and may be revised. Mr. Joni gives writer the current temporary employment contract's draft to be studied furthermore. Which then the draft is examined and writer found a few things that needed to be revised such as the usage of words, regulations about fine, and the further explanation about warning letter.



Picture 2.

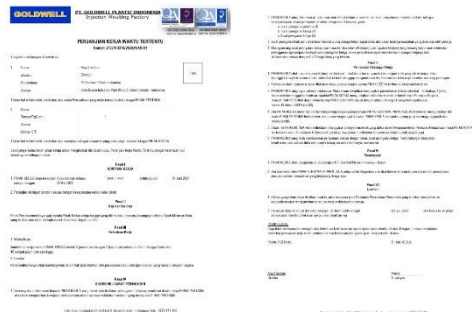
Examining Process

Company's legal representative agrees with writer and pass on special request from the HR department which is to minimize pages of the temporary employment contract if possible because HR department needs to print out the document very often and it is such a waste of paper. After discussing the regulations that needed to be changed, writer starts to draft the new temporary employment contract based on the old temporary employment contract. Then the draft was given to the company legal representative to be approved.



Picture 3.

Drafting Process



Picture 4.

New Temporary Employment Contract

In this assistance of renewal PT Goldwell Plastic Indonesia's temporary employment contract, writer made a few changes which are:

1. Minimalize the pages of the temporary employment contract draft from 4 pages to 2 pages as requested by partners without taking any essential regulations out from the contract
2. Explain further about the regulations of warning letter in Pasal IV Skorsing/Surat Peringatan which only mentioned shortly in the draft before. In the new draft, warning letter are divided into 3 categories which are first warning letter, second, and also third warning letter
3. Erased the regulations of fine in accordance with the revocation of Pasal 95 UU No. 13/2003 by Omnibus Law
4. Minimalize regulations in the draft before about worker's pay in Pasal II Gaji dan Fasilitas. The explanation about worker's pay and facility before are way too long and complicated then was shorten to "Pihak pertama membayar gaji kepada Pihak Kedua setiap tanggal yang ditentukan, sekurang-kurangnya sebesar Upah Minimum Kota yang berlaku"
5. Fixing a lot of grammatically error sentences and waste of word usage in the old draft into a much more understandable sentences.

The new temporary employment contract's draft that was drafted by writer and the company's legal representative started the effect on November 2021. With the renewal of the draft, regulations that was inside the draft itself are already in accordance with the current applicable laws. The hardest things writer met in this project are to find the meeting point between legal representative and HR department as they both have different mindset about the regulations in PT Goldwell Plastic Indonesia's temporary employment contract.

Conclusion

PT Goldwell Plastic Indonesia is a company engage in plastic moulding manufacturing which located in Citra Buana Industrial Park III Lot. 6, Belian, Batam Centre, Batam. PT Goldwell Plastic Indonesia have already started its business from the year of 2011 and the shareholder of PT Goldwell Plastic Indonesia itself are foreigners but the company was located and run in Indonesia spesificly in Batam. With the significant changing of employment regulations in Omnibus Law, our partner, PT Goldwell Plastic Indonesia think that the renewal in company's temporary employment contract regulations is needed. The time used by writer to assist the renewal of PT Goldwell Plastic Indonesia's temporary employment contract was about 1 month in the company office located in Citra Buana Industrial Park III Lot. 6, Belian, Batam Centre, Batam. Starting from the preparation stage which writer gather all the information needed to do this project and after that examine the old draft to find out which regulations was needed to be changed. The next step are to draft the new temporary employment contract according to the applicable laws and requests from both HR department and Legal department. After the draft was done and approved by the company legal representative, the temporary employment contract's draft was used by HR department for the new employee and also old employee who renews their contract starting November 2021. With the new temporary employment contract, write hopes that it will be used responsibly by the company and with that writer present the biggest thanks for partner to agree on doing this project.

Source

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