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ASSISTANCE IN DRAFTING AN EMPLOYMENT CONTRACT LIMITED TIME AT PT. SARANA INSPIRASI MAJU BERSAUDARA

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Abstract

Employment Contract Limited Time (PKWT) is a work agreement between workers and the company in establishing a working relationship for a certain period of time or for certain jobs. The latest regulations governing PKWT are Government Regulation Number 35 of 2021 concerning Employment Contract Limited Time, Outsourcing, Working Time, and Rest Time, and Termination of Employment. In a company, PKWT is one of the important documents because it can be valid evidence for both parties, namely the employee and the company. Therefore, the authors are encouraged to contribute in the form of PKWT design which is expected to help the company PT. Sarana Inspirasi Maju Bersaudara in creating good working relationships with workers in carrying out their business activities. The main problem is that adjustments must be made to the latest law, but PT. Sarana Inspirasi Maju Bersaudara has not carried out the adjustment due to the lack of manpower in the legal field. The implementation method used in this report uses empirical juridical. The empirical juridical method is a type of legal research that is examined directly in the field in the form of examining company documents or data obtained in the field which is then adjusted to the applicable law.

Keywords: *Planning, PKWT (Employment Contract Limited Time), Company.*

Introduction.

Batam city is known or synonymous with the industrial city, which is also known to have the largest shipyard production in Indonesia. The industrial sector itself is divided into light and heavy industry. Heavy industry is dominated by the shipyard industry, fabrication industry, steel industry, metal industry, and et cetera. While the light industry covers the manufacturing industry, electronics industry, garment industry, plastics industry and et cetera. In carrying out activities in various sectors, especially industry. Occupational Safety and Health (K3) is needed to create healthy, safe, and comfortable conditions for employees so that they can carry out the company's productivity well. This can reduce the risk of accidents or failures in work

activities, low awareness of the importance of the implementation of Occupational Safety and Health (K3) especially in the industrial sector to be the main cause of work accidents in Indonesia. Even though the implementation of K3 is very necessary, the Indonesian government itself has regulated the implementation of this K3 in Law No. 1 of 1970, No. 23 of 1992, and No. 13 of 2003. Even the government has clearly regulated for companies that do not implement the provisions of the law, it will be subject to a maximum fine of Rp 15,000,000 or a maximum imprisonment of 1 year. In the implementation of K3 is not only employees who get protection from various hazards or work accidents, but can also provide benefits for the company. When the company implements K3 in the work process, the company's work procedures will be guaranteed quality and produce good productivity. Therefore, in the application of K3 requires K3 training and coaching that can be obtained at the companies providing coaching services. One of them in Batam city is PT. Sarana Inspirasi Maju Bersaudara or Professional Project Institute. PT. Sarana Inspirasi Maju Bersaudara or Professional Project Institute is a company engaged in Occupational Safety and Health Services (PJK3) especially in the field of K3 training and coaching services. Which focuses on providing knowledge and expertise in the world of work for all types of corporate business fields, especially in the fields of Manufacturing, Mining, Gas and Petroleum and Manufacturing (especially training and consultation in the field of Occupational Safety and Health), but not limited to Services and Trade Companies (for business and management training and consulting). In K3 service activities which provided by PT. Sarana Inspirasi Maju Bersaudara is certainly needed legal aspects in the legal preparation of the company to provide documents that support the process of providing K3 services, especially those related to employees to launch all business activities carried out, one of which is an Employment Contract Limited Time (PKWT). Therefore, the author is interested in assisting in the preparation of PKWT at PT. Sarana Inspirasi Maju Bersaudara, which is expected to increase the smooth productivity between companies and employees in carrying out the construction and services of Occupational Safety and Health (K3) for the wider community, It can also assist the government in carrying out economic growth in various sectors, especially the industrial sector to create trained human resources, as well as create healthy, comfortable and safe working conditions. The efforts made by PT. Sarana Inspirasi Maju Bersaudara is to draft a letter of the employment agreement between the company and employees. But this employment agreement letter has not followed the provisions of the latest regulation on PKWT, namely Government Regulation No. 35 of 2021. Therefore, the author in this activity conducts preparation with a new format, with the change of title from a letter of the employment agreement to a certain working time agreement.

The purpose of the author's activities is as follows:

1. Provide assistance in the preparation of An Employment Contract Limited Time (PKWT) at PT. Sarana Inspirasi Maju Bersaudara.
2. Help launch the process of business activities related to employee documents or related to employee PKWT.

3. To assist in realizing the rights and obligations of the employer and the worker, whom both parties had agreed to, which must be carried out in the process of business activities.

Problems.

The problem that occurs is PT. Sarana Inspirasi Maju Bersaudara is still using the old work agreement format so that the format of the employment agreement is incomplete and no longer relevant to the latest regulations. In addition, the lack of human resources / employees in the legal section is also one of the problems that are the reason for the author to help the company in assisting the preparation of the new PKWT in accordance with the latest laws and regulations, namely Government Regulation No. 35 of 2021.

Methods.

The data collection techniques used in reports of practical work activities are empirical juridical methods. Empirical juridical method is a method of legal research that examines and analyzes in relation to law and primary data sources obtained directly from within the community, in this case that is to conduct research on certain time work agreement documents belonging to PT. Sarana Inspirasi Maju Bersaudara is used to perform employment agreements with their employees. The approach used in this report is a comparative approach by comparing the format of the old Work Agreement / Employment Contract Limited Time with the latest. And approach the law by reviewing the provisions contained in PP No. 35 of 2021.

The data collected in this report uses primary data and secondary data. Primary data is data obtained directly at the time of conducting research, through observation and interview activities with the company. Then secondary data is data obtained from various sources of legal material. The first material of primary law is written rules enforced by the state, where all of it can be found in court rulings with permanent legal force, the 1945 Constitution and laws and regulations.. Second, secondary legal material is legal material that serves as an explanation of the primary legal material, namely the draft legislation related to employment, especially the PKWT. Third, tertiary legal materials are legal materials that provide information about primary and secondary legal materials to support research data. Then the method used in the implementation of this practice work using the Advocacy method is a method used for activities in the form of mentoring, where in this activity the author assists in the preparation of the PKWT format at PT. Srana Inspirasi Maju Bersaudara..

The location of this PkM activity is PT. Sarana Inspirasi Maju Saudara which is located at Ruko Bukit Tiban Permai Blok E No. 1-3, Tiban Baru, Sekupang, Batam City, Riau Islands, and the time of this PkM activity is Monday to Friday which is 09.30 WIB to 17.00 WIB from September 29, 2021 to November 22, 2021.

Result and Discussion.

The implementation of this practical work activity from September 29, 2021 to November 22, 2021. The parties involved are the author, Velany Kosasih as the party that conducts external implementation in the form of providing an explanation of the new format of the company's PKWT and company representative Mario Valentino as general manager of PT. Sarana Inspirasi Maju Bersaudara. The external

implementation method of this activity is to develop a new PKWT format and explain the differences from the old format to the company, so that it gets approval and can be used by the company in the future in the employee recruitment process.



Gambar 1.1 office situation of PT. Sarana Inspirasi Maju Bersaudara, Source: Company documentation.



Gambar 1.2 implementation process situation (explaining the format of an Employment Contract Limited Time to a company representative), Source: Author documentation.

The target of the activities are as follows:

- a. Providing assistance to the process of business activities related to PKWT employees at PT. Means of Inspiration Forward Brothers.
- b. The latest employee PKWT document or format in accordance with the latest laws and regulations is Government Regulation No. 35 of 2021.

The advantage of the outside of the project in this practical work activity is the latest PKWT format that has been adapted to the latest regulations, namely Government Regulation No. 35 of 2021 is the correct format and relevant to the laws and regulations in Indonesia governing employment. So that this PKWT also has benefits for companies and employees:

1. For the Company: Can facilitate or assist the company in the preparation of documents related to employees, one of which is an Employment Contract Limited Time (PKWT) in accordance with applicable laws and regulations so that it can be valid evidence for both parties, Which is then expected to be able to launch the productivity of employees and companies in the process of service business activities in the field of K3 training and coaching optimally in Batam City.
2. For Workers: With a clear and valid agreement in accordance with applicable laws and regulations can create a good and conducive relationship for workers and companies due to the lack of disputes related to legal, so that workers are considered

to have done a good job in the provision and preparation of documents needed by the company, one of which is PKWT.

Weaknesses from the outside of the project when viewed with the condition of the community at the location of the activity is that there must be a readjustment if there is a change in the provisions / regulations of the company and if there is a change in the provisions of the legislation governing the PKWT on labor regulations in Indonesia.

Conclusion.

The conclusion that can be drawn is that the author has reached the target of the activity. The target of this activity is the assistance of the preparation of PKWT at PT. Sarana Inspirasi Maju Bersaudara who aim to facilitate and help the process of business activities related to labor. With the PKWT that has been adjusted to PP No. 35 of 2021, it is expected to accommodate and fulfill all rights and obligations between the two parties, both the company as an employer and labor as workers, where later the contents of the employment agreement will be implemented in accordance with mutual agreement. If the PKWT is in accordance with the prevailing laws and regulations in Indonesia, then in the future it is expected that the company can optimally hold good and competent K3 training service business activities in the community.

The author's activities on this practical work have an impact on both parties, namely the company and employees. With the latest PKWT format, the company can conduct a cooperation agreement process with legitimate workers in the eyes of the law, the contents of the agreement are detailed in a good and clear manner for both parties regarding the rights and obligations of each party, So that this can help the process of the good working relationship between the company and workers, can reduce disputes or disputes in the future, which is expected to also launch the company's business activities in the future.

Recommendations on subsequent activities can be in the form of assistance in the preparation of legal documents needed by the company to support the company's business activities.

The author thanked God Almighty because with His grace the author was able to carry out this practical work well from the beginning of implementation to the end of the completion of the activity report. Thanks to PT. Sarana Inspirasi Maju Saudara as a practice partner in this activity that has given opportunities and permission to the author to carry out the implementation of activities in the form of assistance in the preparation of the company's PKWT. Then the author also thanked Mrs. Shenti Agustini, S.H, M.H. as a guidance lecturer so that the author got directions to do practical work well. The last author would like to thank my parents, my sister and my friends who supported the author in this practical work activity from start to finish.

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