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DEVELOPMENT OF LEGAL EMPLOYMENT DOCUMENTS PT. PETRO DAHANA READYMIX BASED ON PP NO. 35 YEAR 2021 CONCERNING PARTICULAR TIME WORKING AGREEMENTS

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Abstract

Company legal documents, both financial documents and other documents have a very important position for the company. Company documents can be used as a reference for companies in making business decisions. Including documents regarding work agreements. Employment agreements between companies and employees have clearly become a big necessity. A work agreement is not just an oral agreement between individuals, but a work agreement must be legally written in writing and signed by both parties concerned. This is necessary to protect the rights and obligations of employees who work for a company. In February 2021 to be exact on the 16th, the government has issued 49 legal regulations no. 11 of 2020 concerning Job Creation (UU Ciptaker). The issued regulations consist of 45 Government Regulations (PP) and 4 Presidential Regulations (PERPRES). One of the PPs issued is PP No. 35 of 2021 concerning Specific Time Work Agreements, Outsourcing, Working Time, Work Relations and Rest Time and Termination of Employment (PP 35/2021). The Legal Contract summarizes part of the provisions of PP 35/2021 relating to a Specific Time Work Agreement (PKWT) and Outsourcing. Legal protection for workers, especially in the Specific Time Work Agreement (PKWT) is basically not running optimally, there are still many violations that often occur in a company due to the unclear rules regarding the implementation of a Specific Time Work Agreement (PKWT). This study aims to update the work agreement document based on changes to Law Number 13 of 2003 concerning Manpower and adjusted based on Government Regulation (PP) No. 35 of 2021.

Keywords: Legal Documents, Employment Agreement, Omnibus Law on Job Creation.

Introduction

An employment agreement is a form of respect for the rights and obligations of both the employee and the company. A work agreement is made by both parties who have an interest in a work bond, where with this work agreement the employee and the company have directly bound themselves in a mutually agreed agreement to carry out work. The employment agreement is an important aspect that has the intent and purpose, namely the realization of the ideals of a company. In this case,

employees must obey and carry out orders that have been given by the company properly, and vice versa the company must also fulfill the rights of employees that have been mutually agreed upon from the start. Both have the same right to sue if one of the employees or the company does not fulfill the rights written in the agreement. In PKWT, the wage system for workers is something that cannot be separated, this is based on several reasons: First, PKWT is a relatively new event in the world of employment which initially had the aim of limiting the working time for employees. PKWT is an aspect of legal changes in terms of employment law. Because PKWT is a new thing, in practice PKWT creates differences and also new problems for workers / laborers and also entrepreneurs, namely in determining what requirements, categories and conditions can be applied to PKWT. "PKWT must be written in writing because it has good intentions and goals, namely to create legal certainty and fulfill all rights and obligations of interested parties." The process will be difficult if there is no written agreement because there will be obstacles in the proof that it is not possible to continue the process in the future. The PKWT contract agreement must be made on the basis of a period of time or the completion of a job. The mandatory legal work agreement is written in good and correct Indonesian, easily understood by both parties, it has been clearly explained that the agreement is not allowed to be made insincerely. In addition, PKWT must also be registered with the local manpower agency no later than 3 working days after signing. With the written regulations regarding working time which are arranged in the Employment Agreement, here employees should have understood the obligations given in carrying out the work. Outside of the agreement that has been agreed upon by the parties, it is not a responsibility that must be fulfilled. Thus, with the existence of an Employment Agreement in a company, it is certain that full legal protection will be obtained by both the employee and the company. The results of this study, concluded that currently the company PT. Petro Dahana *ReadyMix* still has not been able to include the arguments for the work agreement between the company and the workers completely and not in accordance with PP. 35 of 2021 concerning Specific Time Work Agreements. According to the explanation above, the writer is interested in bringing up the topic of practical work with the title **"Employment Legal Document Preparation of PT. Petro Dahana *ReadyMix* Based on PP No. 35 of 2021 concerning Work Agreements for a Certain Time"**

Problem formulation

It has been described that the background in this research is related to the implementation of work agreements at PT. Petro Dahana *ReadyMix* which is seen from the point of view of the Labor Law and the elements of the work agreement according to PP No. 35 of 2021 concerning Specific Time Work Agreements in Work Agreements Between Limited Liability Companies (PT) and Workers.

Research methods

Every research definitely needs data, data collection technique is an essential factor to produce research/project outputs. The implementation of practical work research requires data collection techniques, this has a goal, namely the data obtained can be arranged systematically. Data collection techniques used by the author are interviews, field observations and literature study. Because in this study,

the author raised sociological or applied legal research. The primary data used in this study were interviews and observations. In this study, the authors conducted interviews with HRD Teguh Eka Ananda. The interview method can be said as an easy method in getting the information needed by the author. This method is done by talking directly with the source in such a way that the author can obtain information. Listen to the observation method or data collection method by conducting direct research. The observations made by this author were directly carried out at the partner's place, namely at PT. Petro Dahana *Ready Mix*. The results of this observation method are to obtain real conditions of events as material for designing practical work reports and also support the success of designing the outputs of the implemented projects.

Discussion

Practical work was carried out by the author from August 2021 to November 2021. The design of legal documents in the form of a work agreement at PT. Petro Dahana *ReadyMix* was compiled by the author in several steps, so that the process of making a legal document in the form of a work agreement is more structured and in accordance with the flow desired by the author as shown in

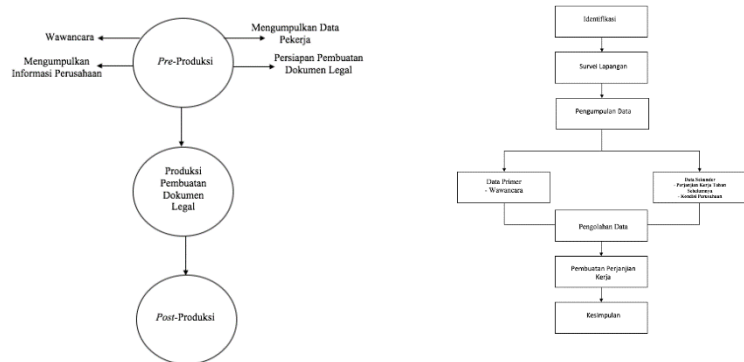


Figure 1.

Making this legal document is in the form of a work agreement which is updated in accordance with the provisions. the data has been inputted completely, the author will make a satisfaction survey for the actions taken. A company's legality must be based on laws and regulations, this is very important because with the fulfillment of all legal documents it can create strong and definite legal protection for the company. Therefore, this legal document in the form of a work agreement will be a success criterion for the implementation of practical work. The design for making a legal document in the form of a cooperation agreement contains 9 pages that have contained all the contents of the work agreement in accordance with PP No. 35 of 2021 concerning a Specific Time Work Agreement. In designing this document, biodata of the Director and also the employees of PT. Petro Dahana Ready Mix. There are other supporting documents in the form of a Decree of the Board of Directors. These documents are needed to provide legal value to the work agreement that has been made.

Pre-Production

Pre-Production is a process before making a document, starting from a tentative design, or is a prototype before being developed further.

1. Interview

Interview is one of the common techniques in data collection, the method in this technique is done by asking several questions to the informants related to the topics discussed by the author.

2. Company Information

Next is to collect information about the company then which it is obtained after conducting interviews and observations that have been carried out, so that the design supports the success of the practical work report that has been prepared by the author.

3. Employee Data Employee

biodata is data that is personally owned by employees consisting of age, gender, address, place of birth, etc. This is needed to make it easier to do company administration and for other important things.

4. Preparation of Legal Documents

In developing a legal document in the form of a work agreement, it requires a draft of the previous year's work agreement as a comparison with the latest agreement regulations, designing employee data and making a *company profile*.

3.2.2 Production

Further production which is the stage of the implementation period during the *project* is produced commercially. This stage includes making a work agreement in accordance with PP No. 35 of 2021. Then inputting the data of the workers and also doing documentation with the company.

3.2.3 Post-Production of

post-production is the stage where semua iaktivitas and pekerjaan yang occurred after a legal document form employment agreement substantially completed for corporate purposes. The format of this legal document in the form of a work agreement is adjusted to the needs that have been mutually agreed upon at the stage *pre-production*, namely:

- a. Work Agreement Document in accordance with PP No. 35 of 2021;
- b. Document format in the form of word which is then converted into PDF;
- c. This legal document in the form of a work agreement is implemented by PT. Petro Dahana ReadyMix to complete the company's administration and is used as well as possible for the benefit of the company.

Implementation Stages

In carrying out practical work there are stages, namely the stages of making legal documents carried out by researchers starting from identifying the problem and then finding the main problem. After that, it was continued by doing field service and collecting data, both primary data through interviews and observations and secondary data through observations in the company and applicable regulations.

Designing Activity Outcomes

At the design stage, the activity outputs are divided into 2, namely:

Making Legal Documents

Making this legal document in the form of a work agreement which is updated in accordance with the provisions. Then after all the data has been inputted completely the author will make a satisfaction survey for the actions taken. A company is required to have an official and legal legality in accordance with the laws and regulations, if all aspects of the legality document have been fulfilled then the company will directly receive strong legal protection by the government. Therefore, this legal document in the form of a work agreement will be a success criterion for the implementation of practical work.

The Design of Legal Document

Design for making a legal document in the form of a cooperation agreement contains 9 pages which contains all the contents of the work agreement in accordance with PP No. 35 of 2021 concerning Work Agreements for a Certain Time. In designing this document, biodata of the Director and also the employees of PT. Petro Dahana Ready Mix. There are other supporting documents in the form of a Decree. These documents are needed to provide legal value to the work agreement that has been made. The existence of the Ciptaker Bill is considered to be impartial to workers, causing controversy because its substance is detrimental to workers. On October 5, 2020, the Job Creation Bill was passed by the DPR and then promulgated on November 2, 2020. As a result, the Omnibus Law will be the driving force to strengthen capabilities and implement the legislative function of the DPR in Indonesia as a state of law. In Chapter IV Manpower Article 80 in conjunction with Article 81 of Law No. 11 of 2020 it is stated that this law changes, deletes, and/or establishes new arrangements in order to improve labor protection. The Indonesian government hereby has hope because this Law will create fair and productive job competition. The presence of the Job Creation Law is also expected to increase the quality of skills possessed by workers in Indonesia. In Law No. 13 of 2003 it is stated that the employment contract agreement for PKWT workers can be extended or renewed, but there is a time limit. According to Article 56 paragraph (3) of Law No. 11 of 2020, the period or completion of an agreed work based on a work agreement. The existence of the Job Creation Law is expected to be able to protect the welfare of workers. Workers are an asset for a company. The 1945 Constitution of the Republic of Indonesia Article 27 paragraph (2) protects the basic rights inherent in workers. This article explains that it will guarantee the rights and obligations of employees, as well as ensure that different treatment from others will not occur. In addition, companies can create facilities that can support meetings, namely in the form of media (targeted groups, individuals) means of participation (Article 13 ILO Recommendation Number 129). In the era of the industrial revolution 4.0, contract workers will be needed or also called PKWT because there are many jobs that do not have an unclear time when a job ends. It aims to regulate the unemployment rate because every year it continues to increase. In this case, the company's goals will be hampered because as entrepreneurs and workers there is

no balance created, therefore this is interesting to study. With the change in the contents of the Employment Agreement in Law No. 13 of 2003, the author made an update in accordance with the latest provisions of the *Omnibus Law Creation Law* or the Jobin PP No. 35 of 2021 concerning Work Agreements for a Specific Time. For more details, it will be detailed as follows:



Figure 1 Previous Employment Agreement PT. Petro Dahana ReadyMix

It can be seen if the previous work agreement did not have solid elements and was different from the provisions of PP No.35 of 2021. The work agreement only wrote an agreement between the worker and the owner of the company. It is not specifically explained that the rights and obligations of the two parties must be fulfilled. So with this practical work the author helps PT. Petro Dahana *ReadyMix* to make a work agreement or PKWT based on PP No. 35 of 2021 in accordance with the latest provisions.

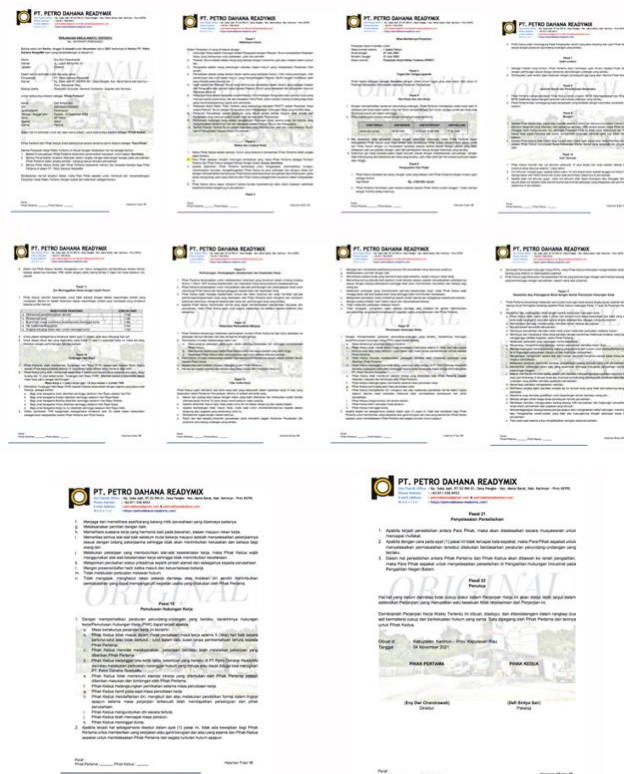


Figure 2 Newest Cooperation Agreement Document of PT. Petro Dahana ReadyMix

In the changes to the work agreement made, it already contains the rights and obligations of each of the two parties who must carry out their duties in accordance with the agreement. In PP No. 35 of 2021 concerning a Specific Time Work Agreement, it explains in detail the work agreement. If certain work agreed in the PKWT can be completed earlier than the agreed time, the PKWT will end by law at the end of the work. However, if the work project exceeds the agreed time period, the PKWT period is extended until the work is completed. The PKWT must be registered by the entrepreneur within 3 working days after signing the PKWT online at the human resources department that carries out government affairs. If the PKWT is not available online, the PKWT will be recorded in writing at the district/city ministry of manpower within 7 days after the PKWT is signed. Then, the company is obliged to provide compensation to workers/laborers at the end of the PKWT. Compensation payments are given to workers/laborers who work more than 1 month. If one of the parties terminates the employment relationship before the expiration of the period determined by the PKWT, the entrepreneur must provide compensation calculated based on the period of time that has been implemented by the worker/laborer. The change in the work agreement in accordance with PP No. 35 of 2021 concerning Work Agreements for a Certain Time is a big change for workers and also employers. Because the things listed in the agreement are more detailed and protect the rights of workers.



Figure 3 Cooperation Agreement Submission Process

Outcomes Implementation Process

Making legal documents designed shape of the Employment Agreement use traditional Microsoft Word and converted into PDF. After making a legal document to be completed it will be implemented. Through implementation will be based on the results of the analysis that has been done from chapter the previous so that in this chapter the authors implement the design into an Employment Agreement which can be used by the Party PT. Petro Dahana ReadyMix. The Employment Agreement will be used for the use of company administration to record the old workers and also the workers who will work at Dahana PT. Petro ReadyMix. That way the company in this case gets an overview of Dahana PT. Petro ReadyMix, before deciding to make a new work agreement according to PP No. 35 of 2021. In this case the company has also made a Decree regarding changes to the Work Agreement in accordance with the provisions of PP No. 35

Year 2021. (See Figure 6)

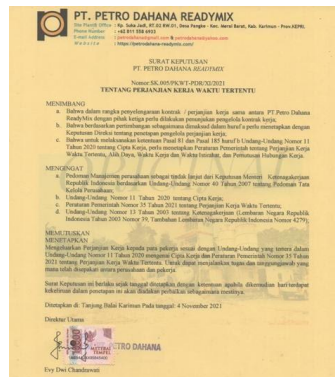


Figure 4 Letter of Director’s Decree

Conditions After Implementation

After the legal document in the form of a work agreement was submitted to Dahana *PT.PetroReadyMix*, until now the use of the work agreement has been used for ongoing needs, which is useful for the company because it feels helped by the existence the latest work agreement in accordance with the decision of PP No. 35 of 2021. This legal document in the form of a work agreement gets positive feedback from workers because with this work agreement they get their rights and obligations. And also feedback from the company is that the assistance in making this legal document makes it easier for the company to solve the administrative problems of the workers.



Figure 5 The Employment Agreement has Been Signed by The Workers

Conclusion

In the research and observations made by the writer that in this Practical Work project, it can be concluded that the employment agreement is a fatal thing and is very much needed in the administration of workers and also the company should not ignore it. This is because the work agreement is not only needed for the administration of the company, the work agreement can also regulate rights and obligations and the company also benefits from the obligations carried out by the workers/laborers and vice versa, the workers/laborers also get the rights from the results of the work obligations that have been done. . In addition, the employment agreement is one of the important aspects determining the accreditation of a company. *PT. Petro Dahana ReadyMix* requires company legal documents in the form of this work agreement as a fulfillment of company requirements. With this

work agreement, the workers and also the company get their rights and obligations. In the future, the company can use this legal document to make agreements with new workers. The projects that have been prepared and developed have been successful and the targets to be achieved have been in accordance with the test results. In the process of drafting legal documents applying the method in the hope of achieving applied research research purpose in this time is to provide solutions to the problems experienced company. preparation of legal documents began in September and will be completed in November. We make a legal document form employment agreement, PT.Petro Dahana *Readymix* will be helped through a legal document form employment agreement as a form of protection of the rights and obligations of workers and employers. The legal document in the form of a work agreement is useful as a legal document for a company. Juridically, the creation of this legal document can protect workers/laborers as well as employers. In addition, it can make it easier for workers/laborers or entrepreneurs in terms of proof if in the future there is a dispute over the dispute over the work agreement. With the making of a Work Agreement based on PP No. 35 of 2021 concerning Specified Time Workers, the output of the project that the author is carrying out has been achieved.

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