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ASSISTANCE IN DRAFTING COOPERATION AGREEMENTS FOR EMPLOYEES AND OTHER PARTNERS AT PT PUNDI SELARAS MAJU REGARDING LEGAL REFORMS IN INDONESIA

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Abstract

A company is formed to obtain a profit or profit so that in its implementation it is necessary to have a supporting factor, one of which is other partners / work partners and employees. Therefore, in its implementation, it is necessary to arrange an agreement that contains the regularity of the parties in carrying out their obligations and obtaining their rights so that the company can run well and develop. so that this practical work program is to prepare the company's legal documents. The problems found in the company include the existence of clauses that need to be regulated in the contents of the cooperation agreement with other partners previously so that it is necessary to renew the contents of the agreement in the cooperation contract and it is necessary to renew the contents of the employee contract cooperation agreement in accordance with applicable law in Indonesia. The implementation method used in the preparation is the empirical method which is carried out by observing, interviewing and collecting the necessary literature study data, and the result of the preparation of the practical work program is to obtain a cooperation agreement with other partners and employees that has been renewed.

Keywords: Agreement, Regulation, Renewal

Introduction

Background

Basically, a company is formed with the aim of obtaining a profit and profit for its founders, but the company will of course really need a supporting factor that will be the main route for the company to achieve the goals as it was founded, the supporting factor for the company is of course partners. /partners and employees/workers. Related to these supporting factors, of course, the company needs a guarantee so that there is a clear commitment to a mission and the same vision, so it is necessary to make a "Work Agreement". Cooperation agreements that can be made by companies with work partners/partners for example are distributor agreements, "Distributor agreement is an agreement whereby the company can act for and on behalf of itself related to sales, marketing, and others related to the services it controls, while related to employees/workers are regulated in article 50 of Law number 13 of 2003 concerning

employment which contains one type of agreement, namely an indefinite work agreement (PKWTT), where the PKWTT agreement is an agreement with the nature of a relationship that is permanent or known to be permanent. So as on this occasion the author wants to do a community service at a distributor company in Batam City. which at first the author directly knew there was an agreement to be carried out from the company and there was an existing employee agreement at the company, however, the author realized that there were several things related to the agreement that should need to be updated and newer studies to in accordance with the provisions of the legislation in force in Indonesia, so the author decided to carry out Community Service at the company with the aim of being able to carry out updates related to the contents of the distributor cooperation agreement and work agreements with workers for the category of permanent or permanent employees (PKWTT).

Problem

In this community service activity carried out by the author at the PT Pundi Selaras Maju company, which as found there were several things that became problems, namely as follows:

1. It was found that there were several clauses in the worker's agreement that were contrary to the regulations in the applicable laws;
2. It is found that there are several articles that should be corrected in the workers' agreement;
3. It was found that there was a need for renewal regarding the contents of the company's agreement with the work partner/partner for future agreements

1. Method Of Implementation

In the implementation of this community service activity, the implementation method that will be used by the author is the "Advocacy Method" which aims to provide assistance to the preparation of legal documents at the PT Pundi Selaras Maju company. In the opinion of "Julie Stirling" this method is a series of actions as to be carried out in stages or has a process with the aim of being able to help the parties to change their policies and can make things that are produced will be more organized, so that in the implementation of this activity the author's target is aimed at the authorities, the human & resources division and the legal division at PT Pundi Selaras Maju.

Meanwhile, the method for collecting data that will be used by the author in this community service activity is by conducting interviews and documentation with related parties where the collection activities by means of this interview are carried out by the author based on an agreement to make a meeting so that conduct discussions regarding the formation of renewal of the agreement that will be carried out, while related to the collection of documentation data will be carried out by the author to the company by asking for the necessary documents when finished in the interview data collection process.

2 Location, time and duration of activities

In the implementation of this community service activity, it will be carried out at PT Pundi Selaras Maju which is located at the Taman Niaga Warehouse Complex Block F1

No. 03, Sukajadi, Batam City. with a period of time used for the implementation of this activity for 4 (four) months, starting from September 1, 2021 to December 31, 2021, which in turn will be referred to as "Partners" in this community service activity.

Result and Discussion

In the process of implementing this community service, it will be carried out at the Partner's office which will involve several parties including: the authorities, human & resources, and legal company PT Pundi Selaras Maju and also required workers to conduct an assessment test related to the results of documents to be completed related to provisions in the work agreement so that the feedback provided can reflect the results from which the outputs are to be achieved. The period of time required by the author to complete this activity will be carried out for 4 (four) months. Then the output to be achieved in the process of implementing this activity is that the author will participate in assisting and assisting the "partner" in the preparation of the company's legal documents that you want to update, which document includes: a partner distributor cooperation agreement document with a work partner / partners and also partner agreement documents with workers, especially in PKWTT, and the results that have been completed from the results of this community service activity include:

1. Update on the Draft Cooperation Agreement between Partner Distributors and Partners

related to the distributor cooperation agreement document between partners and work partners/partners previously it had been compiled and completed at the beginning since the first time the cooperation process wanted to be carried out and will be extended annually, but because in this case the author sees and examines the contents of the distributor agreement between partners and partners. the work partner/partner there are several things that need to be added and updated regarding the draft preparation considering the need for a basis for making a good cooperation agreement or contract drafting, so that in the document there are several things that need to be updated by the author that have been discussed together the partner party and has obtained approval from the partner which includes the following points:

- a. There are additions to the contents of new articles in the agreement as well as improvements to changes in the placement of the order of articles so that they become more disentangled;
- b. There are additions related to the need for a premise to the agreement;
- c. There have been updates regarding some of the contents of the provisions in the draft article.

Premise Addition Attachment

Berindak untuk dan atas nama PT Pundi Selaras Maju selanjutnya dalam perjanjian ini disebut sebagai PIHAK KEDUA.

Pihak Pertama dan Pihak Kedua selanjutnya secara bersama-sama disebut "Para Pihak"

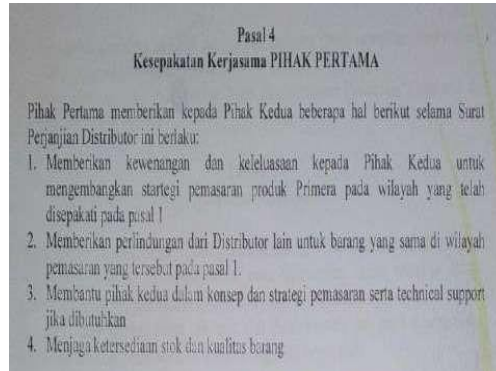
Para pihak secara bersama-sama terlebih dahulu menerangkan hal-hal sebagai berikut:

1. Bahwa Pihak Pertama adalah perusahaan manufaktur dibidang makanan Indonesia yang memproduksi produk breadrumb merk Primera Penko yang akan memberikan hak distribusi kepada Pihak Kedua.
2. Bahwa Pihak Kedua adalah perusahaan yang bergerak dibidang distributor makanan food serta bahan kue.
3. Bahwa para pihak telah mengadakan diskusi, negosiasi, dan pertukaran informasi selhubungan dengan pemberian Hak Distribusi.

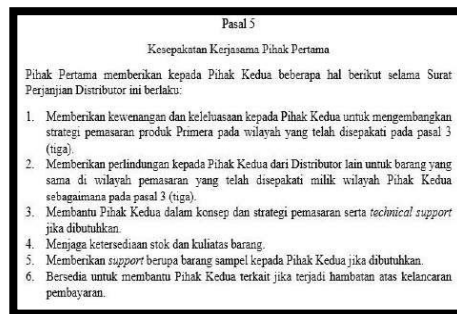
New List After Update

The premise of the agreement has been added in order to make a better contract agreement in accordance with the provisions for making a good and correct underhand deed.

Attachment Addition of Provisions for the Contents of the Article Draft Agreement



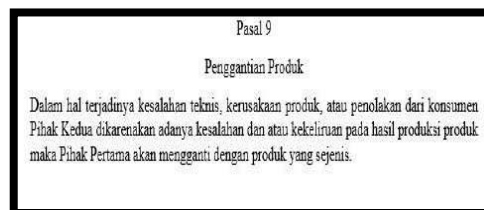
Old Draft Before Update



New Draft After Update

Whereas several articles have been added regarding the provision of support in the form of sample goods and also additional articles to be willing to assist the second party if there is an obstacle to the smooth payment, of course this has been a long discussion with Partners to request that the contents of the following provisions be added to the future agreement.

Attachment to Adding New Articles to the Draft Agreement



New Draft After Update

That regarding the addition of the contents of the article "Replacement of Products" has also been discussed with the Partners in order to make an agreement with the work partner/partner on the addition of the article because in this case the partner has often experienced this incident so that it is considered to be detrimental to the partner in establishing cooperation.

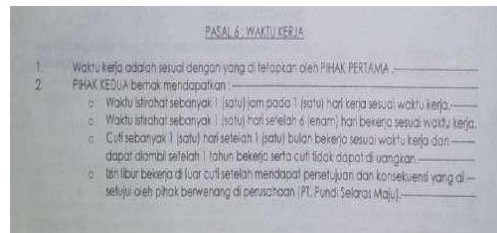
2. Update on the Draft Agreement with PKWTT Workers

Regarding the agreement between partners and workers with permanent or permanent status, the arrangement of the agreement has been enforced, but in the draft agreement the author sees that there are several things that need to be updated which consist of several things including: making improvements to some typing in the contents of the agreement. inaccuracies (typo), reforming some of the contents of articles deemed necessary to be updated regarding workers' rights, working hours, and conditions for resignation by workers. So that in the process of compiling legal documents on partner agreement documents with workers resulted in several changes, namely as follows:

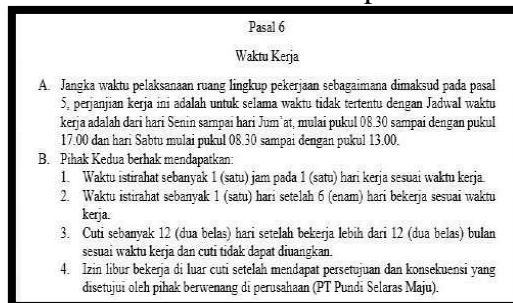
Appendix to Articles of Workers' Rights



Whereas the contents of the article on the rights of workers are updated after the author collects data from the workers of the partner company to make changes regarding the rights of workers to get hours of work in accordance with the provisions of the law and have the right to include severance pay receipts and have been proposed to the parties. partners and will be reviewed by the authorized partner.



Old Draft Before Update



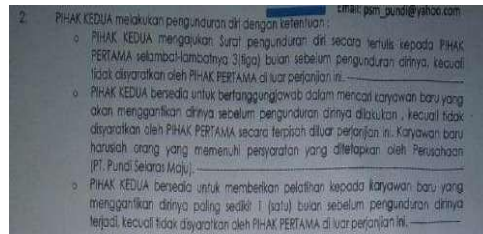
New Draft After Update

Regarding the discussion about working time, it is the point that the authors get the most from the workers so that adjustments can be made immediately to the applicable provisions which at this point of working time at partner companies still use a work system with a period exceeding 40 hours, so in this case based on suggestions from the workers, the author also makes suggestions and provides understanding to the partners

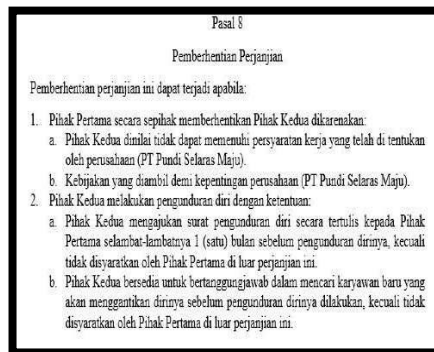
on the provisions that should apply to this "Working Time" point as regulated in article 77 of the Manpower Act.

So that the discussion regarding the provisions of "Working Time" is still in the process of being proposed to the partner company by the authorities, from which the author continues to try to carry out discussions and negotiations regarding the partner party not to carry out work operations beyond the specified working time, and after going through the process The discussions and negotiations that have been carried out have finally been agreed upon by the partners with a proposal based on a change to the work system that can still be changed and is still under control, so that in the end the proposal related to "Working Time" runs smoothly.

Appendix Regarding Resignation



Old Draft Before Update



New Draft After Update

The last discussion regarding the partner agreement with the employee is regarding the article "Resignation", which in the old draft of the resignation process from the second party prior to resigning must submit a written notification of resignation letter no later than 3 months plus the need to find a replacement party. to replace the position of his resignation and finally provide training to the replacement candidate for 1 month, in which the article based on the data collected there are objections that occur by the second party (Workers) who find it difficult to the provisions in the resignation article because it is considered not to contain elements justice so that in this case renegotiation was carried out to change the contents of the article, so that in this case because the partner company is familial, the following matters have been immediately agreed to make changes.

Conclusion

On this occasion, community service has been carried out with an activity program, namely providing assistance in the preparation of legal documents at the PT Pundi

Selaras Maju company on documents or outcomes that have been achieved, with the aim of carrying out this activity, namely to create legal certainty for partners regarding cooperation agreements with partners/partners and provide legal certainty for workers. As this community service activity has been carried out for a period of 4 (four) months, it has been carried out so that in this case it has produced the output to be achieved, namely the renewal of the Partner's distributor cooperation agreement document with work partners/partners as well as renewal of the partner agreement with the partners. workers on the PKWTT contract, which shows that there is an impact from the implementation of this activity, namely the author gets good feedback from the parties and related to the distributor agreement document, it is also material for partners to re-agree the contents of the agreement for the following year. So that on the occasion of this Job Training article, the author would like to express his deepest gratitude to the Partners and those who helped the author in making the implementation of this community service activity run smoothly and without any obstacles.

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