



Legal Protection Against Overtime Labor

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ABSTRACT

Human Rights Awareness Raising is a form of protection of workers from physical, technical and socio-economic protection provided by regulations governing the workplace. One of the problems that often occurs is overtime violations that are not in accordance with the provisions of Law No. 13 of 2003. One of the companies involved in implementing labor law protection is PT Hwaseung Indonesia. The purpose of writing this paper is to know the legal protection for overtime workers at PT. Hwaseung Indonesia. Based on the study, it is known that the Job Creation Law stipulates overtime work 4 hours a day and 18 hours a week. Overtime hours are extended in accordance with the provisions of Article 78 of the Labor Code, Article 32/2003. According to this, overtime work is only allowed up to 3 hours in a day and up to 14 hours in a week. In this case, PT Hwaseung Indonesia, did not fully comply with existing legal compliance because the company's maximum overtime time is 20 hours.

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INTRODUCTION

Indonesia is one of the countries that is currently developing in various fields with the aim of prospering the Indonesian people. Employees also support this development by trying to improve the company's image and meet its needs. Legal protection for all workers is very important, especially for those who work in factories or retail stores where workers are rarely paid when they perform or complete tasks outside of working hours. So in this regard, the government must immediately try to protect and pay attention to workers. Human Rights Awareness Raising is a form of protection of workers from physical, technical and socio-economic protection provided by regulations governing the workplace. Law Number 13 of 2003 concerning Manpower requires all employers to implement provisions related to working hours as stipulated in Kepmennakertrans Number Kep-233/Men/2003 of 2003. Labor market institutions must provide an environment that supports

economic growth and job creation. Social protection and social insurance systems should support labor productivity and help solve inequality-related problems.

According to Patria et al (2014), the time needed to carry out an activity is called work time. Human nature requires rest with the maintenance of health to be limited to working hours, and workers' right to rest. This is related to the fact that workers, apart from being one of the factors of production, also need a wife because they have physical limitations and need to pay attention to working hours. Although the rules have now been established, there are still problems in the implementation of labor laws. One of the problems that often occurs is overtime violations that are not in accordance with the provisions of Law No. 13 of 2003. In this case, the government urgently needs to find a solution. Because today there is an impression that companies, including companies are created only for the benefit of employers / employers and shareholders.

METHODS

In the Legal Research Book by Peter Mahmud Marzuki formulates legal research as a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced.

This research is carried out to obtain the necessary data from the object to be studied. In order for the research to meet scientific requirements, guidelines are needed called research methods or research methods, which is a sequence of research implementation in searching for data as a discussion material to understand the object studied, and the results of the research will be outlined in writing research reports. So based on this formulation, the research method of this writing is to use the statutory approach (statute approach). The statutory approach or statute approach is an approach taken by examining regulations and laws related to the legal issue being handled.

The legal material used in this writing is primary legal material which includes laws and regulations and all official documents containing legal provisions; Secondary legal materials that provide explanations to the supporting of primary legal materials such as books, articles, journals, research results, papers and so on related to environmental law, especially related to the protection of sustainable natural resources conservation law.

RESULTS AND DISCUSSION

Labor law actually needs to be understood in detail to formulate the principles of proper legal protection, and can be viewed practically from a legal and socioeconomic point of view when it comes to the position of workers. Employers have unlimited freedom of action, so workers need legal protection from the government. The Job Creation Law aims to change working hours, namely abolishing five working days a week and two working days a week. The provisions of Article 79, Paragraph 1b of the Job Creation Law stipulate that the remaining week is one day out of six working days. In addition to six-day shifts, workers are also forced to work overtime. The Job Creation Law stipulates overtime work four hours a day and 18 hours a week. Overtime hours are extended in accordance with the provisions of Article 78 on Manpower, Article 32 of 2003. According to this, overtime work is only allowed up to 3 hours in a day and up to 14 hours in a week.

Article 78 Paragraph 1 of the Manpower Law states that employers who employ workers outside working hours as referred to in Article 77 paragraph (2) must meet the following conditions:

1. There is consent from the affected workers / workers
2. Hour Overtime should not exceed 3 hours for him in a day and 14 hours in a week.

Article 78 Paragraph 2 of the Manpower Code stipulates that employers who hire workers outside working hours must pay overtime wages. Regarding the obligation of employers to pay wages to workers who work overtime, Article 88(3)(b) of the Manpower Law states that overtime pay is part of wage regulations that protect workers. For its implementation rules, in 2004 the Minister of

Transmigration of the Republic of Indonesia number KEP. 102 / MEN / VI / 2004 concerning Overtime Hours and Overtime Pay.

Rules regarding the obligation of employers to work overtime in addition to working hours and work procedures are clearly regulated in this Decree, Articles 7 to 10. KEP. 102/MEN/VI/2004 Overtime and overtime pay, including:

A. Employees who work overtime have the following rights:

1. Overtime pay
2. Ample chance of rest.
3. For three hours or more overtime, he consumed at least 1,400 calories of food and drink.

B. Eating and drinking according to paragraph 1 letter c should not be replaced with money.

In addition, Articles 8 to 10 provide for the wage system for overtime workers, and the provisions of Articles 8 to 10 are as follows.

1. The calculation of overtime pay is based on monthly salary.
2. The hourly wage is calculated as 1/173 of the monthly wage.

Article 9 i.e. For daily wages paid by workers, the calculation of monthly wages for workers who work 6 days a week is multiplied by 25 and/or multiplied by 21 (25)-1) who work 5 working days in a week for workers.

Article 10 namely:

1. For wages consisting of basic salary and fixed salary, overtime pay is calculated at 100% of wages.
2. If wages consist of basic salary, fixed allowances and irregular allowances, and the amount of basic salary and fixed allowances is less than 75% (75%) of the total wages, then overtime pay is estimated at 75% of gross salary. Therefore, employers are obliged to enforce it.

PT Hwaseung Indonesia has a five-day working system where 8 hours a day and 40 hours a week, with a maximum overtime of 20 hours. In fact, the company's normal working hours are from 07:00 to 16:00 WIB. However, it is not uncommon for employees to work overtime depending on the time of day. Frequently applied overtime gives workers time from 16:00 to 20:00 on weekdays, and parts such as work completion can last until 12:00 WIB. Needless to say, it is not uncommon for certain working hours and certain parts to work three or more hours overtime on weekdays (Monday to Sunday). In addition, PT Hwaseung Indonesia also enforces Saturdays where employees can work overtime to complete existing exports for up to 60 working hours. In particular, the Ministry of Manpower of the Republic of Indonesia led by the Regent of the Ministry of Manpower and Transmigration Jepara does not conduct continuous monitoring of guidelines issued by the government. In this case, Indonesian companies, including PT Hwaseung Indonesia, do not fully comply with existing legal compliance such as: Working overtime 3 hours or more per day and 14 hours or more per week. In this regard, PT Hwaseung Indonesia emphasizes international rules on working hours and only uses them for local regulations.

However, many legal protections for workers in factories and retail store companies in Indonesia have not been fully implemented. In this case, the government should pay more attention to these workers, because this is not in accordance with the provisions in the labor law. Overtime working hours that are not in accordance with standard provisions have many negative impacts, especially in terms of the health of workers where the ideal time to rest which is 8 hours will not be achieved because the next day these workers must continue to work again according to their schedule. With the decline in the health of workers who overtime with unreasonable time results in a decrease in the performance and performance of these workers, and this of course also affects production. Overtime of more than 20 hours will certainly have a reverse impact on the company, which will later affect the performance of these workers.

CONCLUSION

Based on the description above, the results of the discussion can be concluded that companies in our country have not fully followed the rules recommended and stipulated in the Job Creation Law, because with the research above PT Hwaseung Indonesia still applies overtime with more than 20 hours. The Job Creation Law stipulates overtime work of 4 hours a day and 18 hours a week. Overtime hours are extended in accordance with the provisions of Article 78 of the Labor Code, Article 32/2003. According to this, overtime work is only allowed up to 3 hours in a day and up to 14 hours in a week. However, in this case, there are still many PT or Retail Stores that still ignore the limit of overtime working hours, one of which is PT Hwaseung Indonesia, not fully meeting existing legal compliance because the company's maximum overtime is 20 hours.

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