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STUDY OF INDUSTRIAL RELATIONS: LABOR UNION, WORK AGREEMENT AND BIPARTIT

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ABSTRACT

The demonstration on May 1 was a sign of industrial relations problems. Therefore, all involved parties (Company, Labor Union, Bipartit and Governance) must enforce the rules of employment agreements as stipulated in the labor law. Explicitly, this study aims to describe and analyze the extent industrial relation has been built. The research approach uses qualitative methods, in this case the law study. The results of the study confirm: 1) The law as a legally has clearly regulated employment. 2) The company has not been optimal in carrying out the mandate of the law. 3) The function of the employee union has not been optimal as an employee representative. 4) Government functions are not yet real.

Keywords: Industrial Relations, Labor Union, Work Agreement, Bipartit

PROEM

Indonesia is one country with a very large population. If this is not managed properly, it will become a problem in the future. For this reason, it is necessary to build employment as an integral part of national development based on Pancasila and the 1945 Constitution, carried out in the context of the full development of Indonesian people and the development of the entire Indonesian community to increase the dignity and dignity of the workforce and create a prosperous, just, and prosperous society. prosperous and evenly distributed.

Employment Development has many dimensions and linkages. The linkage is not only with the interests of the workforce during, before and after the work period, but also in relation to the interests of employers, the government and the community. For this reason, a comprehensive and comprehensive arrangement is needed, including the development of human resources, increased productivity and competitiveness of

Indonesian workers, efforts to expand employment opportunities, employment placement services and industrial relations development.

Development of Industrial Relations as part of labor development must be directed to continue to realize harmonious, dynamic and fair industrial relations. The statutory regulations relating to Manpower in Indonesia are Law No. 13 of 2003 concerning Manpower, Law No.2 of 2004 concerning Settlement of Industrial Relations Disputes, Law No.21 of 2000 concerning Labor Unions, Law No. 40 of 2004 concerning the National Social Security System.

Industrial relations, is a continuous relationship between a group of employees and company management. A trade union or labor union is an organization formed from, by and for workers, both inside and outside the company, which is free, open, independent, democratic and responsible to fight for, defend, protect the rights and interests of workers and workers, and improve the welfare of workers or laborers and their families (Samsudin, 2006).

As stated in Law No. 13 of 2003. Industrial Relations is a system of relationships formed between actors in the process of producing goods and / or services consisting of elements of employers, workers / laborers, and the government based on the values of Pancasila and Constitution of Republic Indonesia 1945.

Bipartite institutions as in the Manpower Law are forums for communication and consultation on matters relating to industrial relations in one company, whose members consist of employers and trade union (UU No.13 Tahun 2003, Pasal 1 ayat [18]).

Collective Labor Agreement or Collective Bargaining is a process where employee representatives and management meet to negotiate an agreement that regulates work relations, working conditions, promotions, termination of employment, and management rights.

Collective Labor Agreement is an agreement that is the result of negotiations between trade unions and employers, or some businessmen or business associations which contain the terms of the work conditions of the rights and obligations of both parties (UU No.13 Tahun 2003, Pasal 1 ayat [21]).

As in the Bank Mandiri Collective Labor Agreement (PKB), the Collective Labor Agreement is an agreement that is the result of negotiations between the Bank and the Employee Union which contains work conditions, both the rights and obligations of

both parties based on the provisions of the legislation. The Work Agreement as referred to in Act No. 13 of 2003 concerning Manpower is an Agreement between Workers / Laborers and Employers / employers that contains the work conditions, rights and obligations of the parties.

Employee Unions are workers' organizations registered in the Ministry of Manpower and Transmigration of the Republic of Indonesia No. Kep. 804 / M / BW / 2000 and registered at the Ministry of Manpower and Transmigration of the Republic of Indonesia number 45 / V / P / V / 2001 dated May 22, 2001 which known as the Bank Mandiri Employee Union or SPBM. SPBM is an independent, democratic and independent Union consisting of employees of PT Bank Mandiri (Persero) Tbk, which was established in Jakarta on November 10, 2000.

From 2007 to 2009 there were problems with industrial relations between employee unions and Bank Mandiri management, resulting in less harmonious relations, mutual suspicion, fearful or uncomfortable employees when talking about employee unions, intimidation from certain individuals, fear of being employee union members and so on.

THEORETIC

Work Agreement

Agreement, has the same legal force as the law. That is, agreements made by certain parties can be used as a legal basis for those who make them (Dewanto, 2005). The difference is, only applies to those who make it, does not bind other people or the general public, while the legislation applies generally to all parties who are the subject of its arrangement (Wonok, 2013).

Agreement is an event in which someone promises to another person, or where two people promise each other to do something, as stated in Article 1313 of the Civil Code / Criminal Code (Ruauw, 2013). The agreement activities carried out because of the interests, goals and needs of the parties, are essentially interpreted as an event where someone promises to someone else, or where two people copy promised to do something.

The elements of the agreement are: Essentialia, meaning the legal terms of the agreement; Naturalia, meaning usually attached to the agreement; Accidentalia,

meaning that must be called firm. According to article 1320 of the Civil Code for the validity of an agreement agreement requires 4 conditions, namely: Agree: those who bind themselves, the ability to make an agreement, a certain thing, a reason that is lawful (Noor, 2015).

Labor Union

Employee Unions are organizations that are in the form of, by and for workers / laborers, both inside and outside the company, which are free, open, independent, democratic and responsible to fight for, defend, protect the rights and interests of workers and workers, and improve the welfare of workers / laborers and their families (Novius, 2007).

Workers' Union is an organization that represents employees as a means of collective struggle to maintain, stabilize or strengthen the condition of the organization, both directly and indirectly, which affects the welfare of employees. In other words, trade unions are a collective tool for employees to face management (Riza Anugra Vidi and Mukhammad, 2015).

The struggle, can be taken in various ways, such as the following: submit opinions and suggestions; negotiations with management; and filing objections to objections or protests over something that is unfair to employees and so on.

Industrial Retalitions

Industrial Relations is a relationship system that takes the form of actors in the process of producing goods or services, namely workers, employers and the government (Irmawati, 2011). Indonesia's industrial relations system consists of a number of elements which include the legal framework, the roles and attitudes of social partners, and culture. Those includes the legal framework, the roles and attitudes of social and cultural partners (customs, habits and practices) that are common in the community, namely the habit of dealing with industrial relations and common issues that are the subject of negotiations between workers and employers. Industrial relations that are in accordance with the conditions in Indonesia are called Pancasila Industrial Relations. Industrial relations includes the following points of cooperation: production cooperation, profit cooperation and cooperation in responsibility (Soegandhi, 2013).

Industrial Relations is a continuous relationship between a group of employees and company management (Samsudin, 2006). As Article 102 of Act No. 13 of 2003,

where in carrying out Industrial Relations, the government has a function to determine policies, provide services, carry out supervision and take action against violations of labor laws and regulations.

In carrying out industrial relations, workers and trade unions have the function of carrying out work in accordance with their obligations, maintaining order for the continuity of production, channeling aspirations democratically, developing their skills and expertise and promoting the company and fighting for the welfare of members and families. By other word, in carrying out Industrial Relations, employers and business organizations have the function of creating partnerships, developing businesses, expanding employment and providing workers' welfare in an open, democratic and fair manner (Harikedua, 2015).

Work Agreement

In the Manpower Act, stated that the employment agreement ends when; worker dies; expiration of the work agreement period; the existence of court decisions and / or decisions or establishment of industrial relations dispute resolution institutions that have permanent legal force; and the existence of certain conditions or events that are included in work agreements, company regulations, or collective labor agreements that can lead to the end of employment relations (Manpower Act No. 13 of 2003, Article 61).

Collective Labor Agreement is a process when representatives of employees and management meet to negotiate (negotiate) an agreement that regulates relationships regarding the determination of terms of employment relations, working conditions, promotion, layoffs and management rights (Samsudin, 2006).

In Article 116 of the Manpower Law, it is stated that (1) Collective Labor Agreements are made by trade unions / labor unions or several trade unions / labor unions that have been registered with the agency responsible for labor with employers or some employers. (2) Preparation of a collective labor agreement as referred to in paragraph (1) shall be carried out by deliberation. (3) The collective labor agreement referred to in paragraph (1) must be made in writing in Latin letters and using Indonesian. (4) In the event that there is a collective labor agreement made not to use Indonesian, then the collective labor agreement must be translated into Indonesian by a sworn translator and the translation is deemed to have fulfilled the provisions referred to in paragraph (3).

Collective labor agreements contain at least: Employers' rights and obligations; rights and obligations of trade unions / labor unions and workers / laborers; the period and date of the entry into force of the collective labor agreement; and signatures of the parties making the collective labor agreement (Law No.13 of 2003, Article 124 paragraph [1]). As Article 124 paragraph (2) that the provisions in a collective labor agreement must not conflict with the applicable laws and regulations (Jehani, 2006). In the case of contents, the cooperation agreement is contrary to the applicable laws and regulations as referred to in paragraph (2) of Article 124, then the contradictory provisions are null and void by law and those that apply are the provisions in the legislation.

Collective labor agreement, effective from the day of signing unless otherwise specified, in the collective labor agreement. Collective labor agreements signed by the party making the collective labor agreement are then registered by the employer at the agency responsible for labor affairs.

Bipartit

Bipartite is an association organization between company trade unions and employers or business unions to respond to and resolve disputes between workers and employers related to employment and wage issues in their companies (Law No.13 of 2003, Article 124 paragraph [1]). In other words, Bipartites act as representatives, mediators and negotiators, between employees and companies. In addition, Bipartite also reviews applicable policies. Thus, its existence serves as a balance between the current situation and the future.

METHOD

In general, this research departs from inductive thinking. Therefore, the research approach taken is descriptive qualitative or normative approach. An approach in normative research is analyzie the problem by looking at existing rules and norms, existing legal theories and applicable laws and opinions of experts. The data used in this approach is secondary data through library studies. The data collection technique used in this study is library research or documentation techniques. Literature studies are in the form of books or literature related to the titles and problems discussed in this study.

RESULT

The Function of Employee Unions in improving Industrial Relations through Collective Labor Agreements

To achieve optimal business results, harmonious, dynamic and equitable industrial relations are needed through the creation of work calm and the continuity of the bank's business. To ensure the continuity of the bank's business in the midst of increasingly fierce competition in the banking business world, banks, employees and Employee Unions are obliged to constantly improve professionalism, efficiency and effectiveness in an effort to continuously improve performance.

Banks, Employees and Employee Unions agree to exercise their respective rights, obligations and responsibilities in an atmosphere of mutual respect, mutual trust, and mutual cooperation with the aim of ensuring the continuity of the bank's business and improving employee welfare. Some of the roles that have been carried out or fought for by the Employees Union to realize the aspirations and desires of the members and employees, as reflected in the results of the Collective Labor Agreement between Bank Mandiri and the Bank Mandiri Employees' Union.

Some results of the collective labor agreement which are the roles and struggles for employee welfare carried out by SPBM: Regarding the payroll system, old age social security, pension provisions, pension health, holiday allowances, health facilities, facilities and other assistance, grief and compensation Grief, Annual Leave, Compensation 3 (three) Yearly, Maternity Leave, Leave of Gynecology Miscarriage and Pain Permit due to Menstruation, Permit to Conduct Worship, Incentive System, Rights of Employees Due to Termination of Employment.

The Function of Employee Unions in Improving Industrial Relations through Bipartite Institutions

Bipartite is a forum for communication and consultation on matters relating to industrial relations whose members consist of elements of the Bank and elements of the Employee Union, as well as representatives of Employees, who aren’t members of the Employee Union.

The formation and membership structure of Bipartite institution is prepared based on Article 106 of Act No. 13 of 2003 and Minister of Regulation No. Kep. 32 / MEN / XII / 2008 dated 30 December 2008. Bipartite cooperation institutions / Bipartite LKS

conduct meetings periodically at least 2 (two) once a month in a year, to discuss issues related to labor relations and policies in the field of staffing as listed in the CLA Article 56 Paragraph (1), paragraph (2) and Paragraph (3).

Bipartite Institution is a forum for consultation, communication and deliberation with the task as a medium for the application of harmonious, dynamic, fair, dignified and responsible industrial relations, especially in relation to efforts to improve work productivity, peace or comfort of work and the welfare of employees and family employees. Bipartite LKS as a forum does not issue decisions except recommendations. The agreed recommendations should not only be written on paper, but also be used as company policy.

Hambatan-hambatan dalam Hubungan Industrial

Creating harmonious Industrial relations, both through PKB and Bipartite LKS between Management, Employee Unions and Employees is very important, because with the creation of harmonious Industrial relations, among them will increase work productivity, performance and organizational goals. However, it is not easy to create harmonious industrial relations. If each party has different goals and perceptions. This is the importance of good and open communication between the two parties, including the roles carried out by the SPBM. At least there are two obstacles faced by SPBM in creating harmonious industrial relations, namely internal barriers and external barriers.

The main obstacle in building industrial relations is the lack of communication. The company is not open to all conditions being faced, otherwise employees are not sensitive. The attitude was taken is a demonstration or layoff. The fatality of the situation above, began to emerge the real problem is loss and unemployment. The company does not actually achieve the goal.

This condition explains, human resource capacity is very weak, in identifying the conditions, needs, and main objectives of the organization. HR is not very careful in making decisions, putting forward losses for all parties. In fact, problems are part of the challenges of progress. The Best HR will improve the quality of industrial relations, and have an impact on achieving productivity.

Another fact that is hidden is the failure of the company. Companies often bear all losses personally, involve less employees, and do not try hard to find a long way to get up. So it is not surprising, if the limitations of costs, debt, losses, stagnation, not

optimal, unstable and so on are used as reasons. To be honest, companies fail to maximize their potential.

Things got worse, when management accepted the government's passive attitude. Government policies often harm the company. Inconsistency and arbitrariness are its main characteristics. The government cannot control the macro economy, then sacrifice the company, when the company goes bankrupt, they are silent as if they do not know, what is happening.

Efforts to Overcome Industrial Relations Barriers:

Some things need to be done, to resolve obstacles, so that industrial relations improve.

1. Internal barriers
   a. Communication Factors
   b. Human Resources Factors
   c. Financial Factors
2. External barriers
   a. Management error
   b. Inconsistent Government

CONCLUSION

Employment Agreement with the following results: Regarding the Payroll System, Social and Old Age Guarantees, Pension Conditions, Holiday Allowances, Health Facilities, Facilities and Other Assistance, Mourning and Compensation, Annual Leave, Compensation for 3 (three) Years, Maternity Leave , Leave of Miscarriage Abuse and Pain Permit due to Menstruation, Permit to Perform Worship, Incentive System, Employee Rights Due to Termination of Employment, Complaints Handling Right.

Bipartite Institutions conduct meetings periodically at least 2 (two) months once a year, to discuss issues related to labor relations and policies in the field of staffing as stated in PKB Article 56 Paragraph (1), paragraph (2) and Paragraph (3). At least there are two obstacles faced by SPBM in creating harmonious industrial relations, namely internal barriers and external barriers.

Internal barriers are obstacles created or originating within the Employee Union itself. These obstacles include the following: Communication Factors (two-way communication), Factors of Human Resources (HR), Funding Factors (Employee Finance). External barriers are obstacles that arise from outside the Bank Mandiri Employee Union as follows: Barriers from Management (Company), Obstacles from the Government (Regulations or Laws).

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