

Tripartite Cooperation Institute of Samosir Regency Building the Pancasila Industrial Relations System in Fairness

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ABSTRACT: *The Tripartite Cooperation Institute is set forth in the provisions of Article 103 item D of Law No. 13 year 2003 on employment abbreviated as TripartiteCooperation Institute. The Institute consists of Governments, entrepreneurs and trade unions discussing the employment problems that exist in the area. TripartiteCooperation Institute of Samosir Regency was established in 2017. In this study analyzed the condition of TripartiteCooperation Institueexisting in Samosir district. Formula of the first problem of how the role of TripartiteCooperation Institute in building the system relations of Pancasila Second how the TripartiteCooperation Instituteof Samosir District can improve welfare for workers and entrepreneurs? The research method is used, i.e. empirical research by examining the role of TripartiteCooperation Institute of Samosir Regency in building welfare for workers and entrepreneurs in the system of Pancasila equitable Industrial relations. Analysis of qualitative deskriptif data by describing the overall conditions of the TripartiteCooperation InstituteSamosir. Based on the results of the study obtained as follows: that the TripartiteCooperation InstituteSamosir Regency was established since 2017 trying to establish the Pancasila system of industrial relations of justice, but not carried out well because of the condition The economy of Samosir's territory that must be developed to be more advanced in increasing business investment and impact on protection for workers. TripartiteCooperation Institute of Samosir District hopes that the workers have the welfare of the things done by DinasTenagakerja industry and Trade Samosir regency in providing protection for workers by requiring entrepreneurs to register Labor guarantees, even if workers are not fixed. Employers look forward to the government to create a healthy business climate. Unions deliver workers receiving wages should not use the MSES because it understands the condition of employers. Advice so that the government of Samosir District can provide work training for workers, resulting in a professional worker and improve the investment business climate, so that the industrial relationship created Pancasila fairness. The tripartite mechanism of TripartiteCooperation Instituteshould be made with a tripartite SOP TripartiteCooperation Institute agreed by all parties, so that it can directly find solutions from the employment problems that exist in the district of Samosir.*

Keywords: Institute of Tripartit Cooperation, Industrial relations system, Pancasila, justice.

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I. INTRODUCTION

Samosir Regency is the result of the expansion of the parent of Toba Samosir Regency which was established under Law No. 36 year 2003 on the establishment of Samosir Regency and Serdang Bedagai Regency in North Sumatera province, which was inaugurated on On 7 January 2004 by the Minister of the Interior on behalf of the President of the Republic of Indonesia. The history of Samosir Regency, starting from the history of the establishment of North Tapanuli District as the parent of several districts in North Tapanuli area.

The newly formed Regency in the year 2003 which was inaugurated in 2004 means that Samosir Regency is only 15 years old. In district management, there are conditions in district development. This can be seen in the formation of Tripartite Cooperation InstituteSamosir Regency in the year 2017. Tripartite Cooperation Instituteis an institution that serves to contribute in dealing with labor problems and as a discussion forum between governments, entrepreneurs and unions in discussing employment in an area.

Tripartite Cooperation InstituteSamosir District held a meeting every year as a form of implementation of annual activities of the government program of Samosir regency through the office of Labor industry and trade of Samosir Regency in collaboration with Department of Manpower of North Sumatera Province and invited academics in providing input to Tripartite Cooperation Institute.

Universitas Pembangunan Panca Budi has contributed since 2017 S. D now give input in building the Pancasila Industrial relations system in fairness by maintaining the values of the justice of Pancasila based on

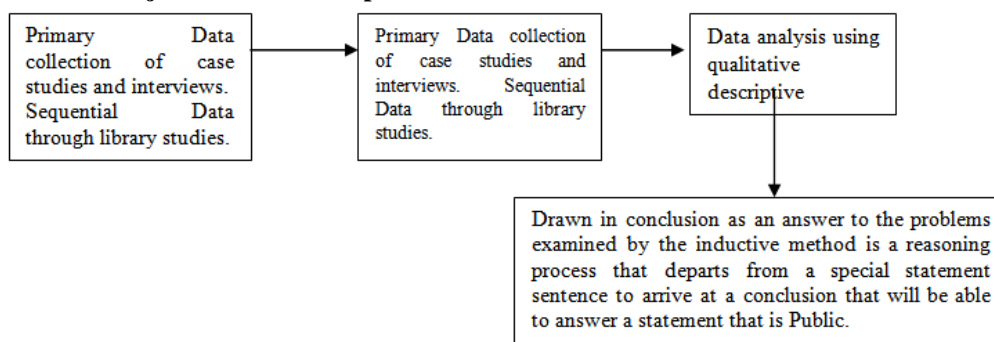
the almighty Godhead, The justly civilized humanity, the Indonesian unity, the populist led by wisdom, and social justice as the basis for building industrial the between workers, entrepreneurs and governments.

Based on the explanation above, first how the role of the Tripartite Cooperation Institute in building the system of the Pancasila the Industrial fairness in the regency of Samosir? Second how the Tripartite Cooperation Institute of Samosir District can improve welfare for workers and entrepreneurs? The purpose of research to analyse Tripartite Cooperation Institute of Samosir Regency establish the Industrial relations system of Pancasila justice.

II. METHODOLOGY

The research method of using juridical empirical by examining the role of the Tripartite Cooperation Institute of Samosir Regency in building welfare for workers and entrepreneurs in the system of Pancasila equitable Industrial relations. Analysis of qualitative descriptive data by describing the overall conditions of the Tripartite Cooperation Institute Samosir.

1.1 Chart of the juridical Research process scheme



III. DISCUSSION

Based on the data base of BPS regency of Samosir number of labor force in the regency of Samosir in 2018 of 67,987 people or decreased by 4,197 people when compared to the year 2017 of 72,182 people. The number of people who worked in Samosir Regency in 2018 reached 66,983 to increase as many as 4,276 compared to 2017 which amounted to 71,259 people. The open unemployment rate (TPT) in Samosir Regency in 2018 amounted to 1.35 percent, increased by 0.07 percent when compared with the year 2017 of 1.28 percent. The agricultural sector continues to absorb the largest workforce, reaching 59.70 percent by 2018. Compared with the year 2017 which amounted to 64.45 percent there is a decline of 4.75 percent.

That labor conditions in Samosir experienced open discussion because of the low economy of Samosir Regency area. The condition of workers who lack professional ability or competence in the business world, especially tourism. The regency of Samosir has a Tripartite Cooperation Institute which serves as a medium for the industrial relations between workers represented by the working union with entrepreneurs and governments in an institution. The history of the body/Tripartite Cooperation Institute that existed until the regional level, until before the birth of law No. 13 of 2003 (UUKK), is as follows:

1. The National Wage Research Council/region pursuant to article 9 ACT. No. 14 year 1969 Jo. Presidential decree No. 58 year 1969;
2. National tripartite Cooperation Institute based on article 11 S/d 15 UU. No. 14 year 1969 Jo. The Siege No. KEP.-35/MEN/1979 and the Kepconquers No. Kep.-258/MEN/83);
3. The national training and regional work Council based on article 6 S/d 8 UU. No. 14 year 1969 Jo. The Siege No. KEP.-806/MEN/1987;
4. National Occupational Safety and Health Council/region pursuant to article 10 UU No. 1 year 1970 Jo. The siege of the decree No. 125/MEN/82 Jo. The Decree No. 155/MEN/84).

The arrangement of the DKD organization consists of the Commission: a) information and labor planning, b) work training, C) productivity, d) provision, deployment, utilization of labor and self-effort and the Informal sector (UMSI), e) Wage research and social security, and F) work norms, occupational safety and health. However, in the specified SKB is not asserted about the position of the regional Tripartite Cooperation Institute based on the order No. KEP.-35/MEN/1979 and the Kepconquers No. Kep.-258/MEN/83. As a consequence, there are employment agency/Tripartite Cooperation Institute dualism in the area, among the Tripartite Cooperation Institute area with DKD.

With the issuance of law No. 13 of 2003 about employment in it has also mandated to form the Employment agency/Tripartite Cooperation Institute, either at the center level, as well as for certain entities/Tripartite Cooperation Institute in the area. Agency/Tripartite Cooperation Institute are as follows:

1. National Agency for Professional certification (article 18 para 5 UUKK Jo. PP No. 23 in 2004);
2. Coordinating Institute for National Work Training (article 28 para 1 UUKK);
3. National Productivity Institute (article 30 para 1 UUKK Jo. Presidential decree No. 50 year 2005);
4. Coordinating Agency for Labour policy and expansion of employment opportunities (article 41 UUKK);
5. National Wage Board (article 98 UUKK Jo. Presidential decree No. 107Year 2004);
6. Tripartite Cooperation Institute(Article 103 item D UUKK JO. PP No. 5 year 2005);
7. Occupational Safety and Health Council (article 10 UU No. 1 year 1970 Jo. The siege of the decree No. 125/MEN/82 Jo. The Decree No. 155/MEN/84).

The agency/institution is integrated, by providing an extension of the functioning of the Agency/institution functions, and the implementation is done in accordance with the capabilities and needs of the region. Thus, there will be a form, task, and working mechanism of the body/Tripartite Cooperation Institute, most likely (ideal) implemented in the area. Tripartite Cooperation Institute in finding solutions to the problems in Samosir district, especially the labor problem because of the little salary, the quality of labor that does not fit the sector that entrepreneurs need because entrepreneurs are busy only to train after that workers move elsewhere because of wages received little.

The economic business climate needs to be in the level with the integrated program of all parties related to the building of tourism, so Samosir becomes the destination for tourism, and has an impact on the manpower in Samosir because the workers are given a decent wage as stipulated in the Minimum wage work of Samosir regency. The Government of Samosir regency through the labor industry and trade has conducted protection and Employment Development Program in order to provide the rights of workers and non-workers in obtaining their basic rights as citizens in Indonesia.

Established the function of Tripartite Cooperation Institute Indonesia as a consultative institution, consultation and cooperation. Betains to solve employment problems, which is a national, regional, and sectoral problem. Tripartite Cooperation Institute consists of national Tripartite Cooperation Institute, regions and each district/city implementation of Tripartite Cooperation Institute at least 4 times in a year. [1] in the practice in Samosir District the implementation of the meeting only 1 time a year, so that the meeting is limited to the formality of this need a commitment of the members to contribute to the realization of a meeting that resulted in the development of the industrial relations system of Pancasila justice.

The government of Samosir Regency formed a tripartite cooperation institute consisting of Governments, entrepreneurs and unions in discussing the problems and looking for solutions in the protection, development and empowerment of the Tripartite Cooperation Institute. Based on the results of interviews with the head of the Department of Industry and Trade in Samosir District, Mr. Vikbon. H. Simbolon, S. Pd, M. M and head of manpower obtained data about the implementation of the protection and development Program of employment Institution Empowerment of Tripartite Cooperation Institute he delivered the program of work in developing, protecting employment in Samosir, both job seekers by conducting training but the training is not specific to tourism so there needs to be a special training of tourism in cooperation with It then conveys that the protection of workers both permanent workers and workers is not fixed.

In a working relationship that adheres to autonomous rules is governed by the parties involved in the relationship between entrepreneurs and workers. The form of autonomous rules includes the work agreement, company regulation, Joint work Agreement (PKB), or customary law. [2] Heteronomic rules are legal provisions in the field of labour made by a third party that is the Government outside the parties related in a working relationship. Therefore, the form of the rules of Heteronom are all government-issued legislation related to labor law.[2]

Workers ' rights and obligations are governed by the employment law. That these provisions govern how the work agreement is made what the rights and obligations of workers and entrepreneurs contained in the employment agreements made by the parties. The employment agreement in Samosir district is only an unwritten agreement, although no company has reported the company's regulations only a few companies are consciously reporting the company's regulations.

Employment agreements may be made in writing or orally. In the creation of a work agreement that is required in writing such as a specific employment agreement, inter-regional work, intercompany employment, and marine labor agreements. The terms of a working agreement pursuant to Article 52 paragraph (1) of the Manpower Act are: [3]

1. Agreement of both parties;
2. Ability or prowess of legal action;
3. The existence of the promised work;
4. The promised work should not be contrary to public order, morality, and the provisions of the prevailing laws and regulations.

The provisions of the employment Agreement shall not be made contrary to the company's regulations, joint working agreements and prevailing laws and regulations. The meaning of which is not to be contradicted is

the existing company regulation or joint work agreement, then the contents of the work agreement either quality or quantity shall not be lower than the company regulation or joint work agreement. It is necessary to play the role of Tripartite Cooperation Institute in establishing a working agreement in accordance with the provisions of the prevailing law by observing the welfare between workers and entrepreneurs in fulfilling its obligations. [4]

The obligation of the worker is the right of employers otherwise the obligation of paying employers is the right of worker. The employment agreement requires the conditions of employment in accordance with the company's regulations and in accordance with the orders of the employer who gave the work. Employers give work to workers to do the job is the interest of the entrepreneur aims to improve the results of production and achievement targeted by the company. When the work has done the job, it is entitled to obtain the wages as promised in the work agreement, pay the wages to be the obligation of the entrepreneur. Wage protection is done by the Government to ensure the right of workers in obtaining the minimum wage as stipulated in the provisions or in the employment agreement.

Labor conditions based on interviews with unions, entrepreneurs and governments on October 24, 2019 at the office of Tenaga Kerja Industry and trade of Samosir district that workers are experiencing an ungood condition where workers is almost a freelancer in accordance with the holiday period, big day and certain days. Most workers in the making of the agreement do not use the agreement only as an agreement between the business owner of the hotel, when the holiday expires then workers are not called again work.

The quality of workers is not an expert worker according to business needs. So entrepreneurs are forced to train workers and acquire untrained workers. This condition affects worker rights, so bargaining positions of workers is very weak. So based on the results of interviews conducted on workers through the unions they only ask for welfare by providing protection BPJS health and BPJS employment so that workers can be protected. The entrepreneurs reasoned that the nature of the work can not survive until the annual count, thus obtained the middle Road from the head of the Office of Industrial Labor and trade of Samosir District so that all workers are immediately registered to BPJS Although only for temporary workers so that if there accidents work at the time of carrying out the work will not affect the entrepreneur to pay damages because it has been guaranteed through the insurance BPJS employment.

At the time of the interview also found that entrepreneurs are unlikely to give a sense of justice because of the limited entrepreneur conditions in the income of tourism activities that do not much end, whereas Samosir is one of the destinations of Toba caldera means entrepreneurs also have a financial problem that causes them can not fulfill the rights of workers and prosecute the obligation of workers as limited to the deal. In the state of Samosir District government mentioned that the program can be done to overcome this condition by improving coordination and cooperation between the field of employment with the institution/training center of the government owned by the centre. In addition, cooperation with PT Midi Utama Indonesia, TBK related to the recruitment of labor employees. The government Program on training should be focused on the tourism sector which needs to be trained professional workers in accordance with the needs of tourism sector so that the entrepreneurs obtain professional workers who are able to work in accordance with the target business of entrepreneurs so that the entrepreneurs are satisfied with the work and service of workers to tourists who have an impact increasing the tourists who are in Samosir.

Condition of Tripartite Cooperation Institute in Indonesia as well as the problem faced by the area in the implementation of the existing agency/Tripartite Cooperation Institute, agency/Tripartite Cooperation Institute mandated by the UUKK above, will also potentially face problems in the implementation of the area. Almost the same obstacle, also actually felt against the implementation of the agency/Tripartite Cooperation Institute at the national level, such as the problem of lack of budget, limited time held by the officials, less synergically the outcome of work between one body/Tripartite Cooperation Institute with the other. So it has been thought to be done coordination, integration, synchronization, and simplification (KISS) among the agency/institution. So in creating an industrial relationship of Pancasila Equitable where the Tripartite Cooperation Institute of Samosir Regency must understand the economic condition of the district by increasing investment as an effort in improving the engineering of Samosir district that affects the ability of employers in fulfilling its obligations. So it is not a statement that should not expect a Minimum wage work given can already be better job, but there needs to increase productivity of workers in producing production, services and outcomes that impact the company's revenue. These synergies are key in presenting the values of Pancasila Indonesia's unity in realizing social justice by creating welfare for all parties, especially those in Samosir regency Tripartite Cooperation Institute as a medium in realizing the Pancasila Industrial relations system as a manifestation of the implementation of the manpower law based on the values of Pancasila.

IV. CONCLUSION

Based on the explanation above as follows:

1. The Tripartite Cooperation Institute Samosir Regency was established since 2017 trying to establish the Pancasila system of industrial relations of justice, but not carried out well because of the economic

condition of Samosir's region that must be developed to be more Increasing business investments and impacting protection for workers.

2. Tripartite Cooperation Institute of Samosir district hopes that workers gain welfare things done by Department of Industrial Labour and Trade Samosir regency in providing protection for workers by requiring entrepreneurs Labor guarantees, even if the worker is not fixed. Employers look forward to the government to create a healthy business climate. Unions deliver workers receiving wages should not use the Minimum work wage because it understands the condition of employers.

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