

## THE FUNCTION OF GOVERNMENT INTERVENTION IN WORKING RELATIONSHIP

Jaminuddin Marbun  
Post graduate Lecturer  
Faculty of Law, Darma Agung University  
Medan, North Sumatera, Indonesia  
Email : Jaminuddinmarbun@yahoo.co.id

---

### ABSTRACT

*The labor law, originally a part of civil law, has been growing in line with the development of community, especially the community of industry. Along with these developments, sanctions against violations also from time to time is constantly changing and evolving. As part of private law, labor law sanctions at first also is private law. In the event of a violation of an agreement, the sanction of the agreement can be canceled or null and void. Furthermore, for the losses could be fined or compensation, which can also be added with interest penalties. By its nature, civil law only provides protection from the civil aspect only. The protection regulation in Criminal Code of Civil, which the cancellation of sanction by law to certain acts, the threat of sanctions is highest. After the development of the industry, labor law shifted into public law that the sanction was increased to administrative sanctions and criminal sanctions or fines. As in Law No. 21 Year 2000 concerning Trade Union / Labour Union on Article 42 regulates the administrative sanctions and Article 43 regulate criminal sanctions or fines. In Law No. 13 of 2003 about Labor from Articles 183-189 regulates the Criminal Sanctions or fines, and Article 190 regulates the Administrative Sanctions. In general, the purpose of these sanctions is that employer still run the terms of work norms that applicable in companies that fulfilled the rights of protection for workers / labor.*

Keyword: sanctions, employers, and working relations

---

### Introduction

Shifting Employment Law system in Indonesia which initially is private becomes public law, has a close relationship with the development of industrial relations in Indonesia. The legal system applicable in the Indonesia no longer entirely adopts Continental Europe but has been affected by the Anglo-Saxon system.

The occurrence such a working relationship between the workers / laborers with employers is a result of the employment agreement between the employer and the worker / laborer. The deal makes this employment agreement is based on the compatibility of the two sides without coercion from any side, it means this agreement has a civil character.

The owner job is government and business or legal entities that which it can not absorb all job seekers, especially for Civil Servant, the police and army are very limited and the most demanding job is the company and other legal entity. If the job is more than seekers, the position of job seekers will go up on wages and conditions of work, but if the job seekers more than a job, the offers of job seekers position will drop means that wages will be offered by the employer to the worker candidates in accordance with the wishes of employers.

Iman Supomo said that the Juridical workers are certainly free. The principle of our country is none can be enslaved or slaves, slavery, the slave trade and servitude and any act leading to slavery is prohibited. A sociological labor is not free, as a person who does not have a stock of life, and another of his strength, he was forced to work on other people and employers, this is a basic that determines the working conditions; workers physically and mentally not free.

The employers in conducting their business would make a profit or benefit and the principle is with the smallest capital to achieve the maximum benefits. The existence of that principle, the government needs to intervene to protect workers / laborers who work in the company or are considered equal with the company.

In general, in developing countries have a lot of unemployment, so that developing countries are inviting investors both domestically and from abroad with a variety of conveniences including low wages. Usually, if a country has low wages means that the country has many unemployment, and governments have an important motto is to absorb as much as possible labor with low wages. In developing countries, in general, the protection of workers / laborers is very low because the government provide facilities to fulfill all the requirements to establish the company, including employment issues.

In the working relationship between employers and workers / laborers have a lot of problems, namely the issue of wages. In Article 1 point 30 of Law No. 13 of 2003 on Labour mentioned that the wage is the right of workers / laborers that accepted and expressed in money as a reward from the the employer or the employer to the worker / laborer that assigned and paid by an employment agreement, agreements, or legislation including perks workers / laborers and their families for a job and / or services that have been performed or to be performed.

The purpose of labor law is to create social justice for workers. If the working relationship between workers and employers be left entirely to the employer and the worker, then the purpose of employment law will be difficult to achieve. This can occur because the powerful businessmen have always wanted to control the vulnerable workers. The Employers strong are socially economy will suppress the workers so that workers will be positioned weak. On the basis of the government participated handles manpower through various laws. Legislation in the field of employment is intended to provide legal certainty to the rights and obligations of employers and employees.

Then in the article 88 of Law No. 13 of 2003 on Labour mentioned:

- (1) Every worker / laborer is entitled to obtain the income that fulfills a decent life for humanity.
- (2) In order to reach income that meets a decent livelihood for humanity as in subsection (1), the government establishes wage policy that protects workers / laborers.
- (3) The the wage policy that protects workers / laborers as in subsection (2) shall include:
  - a. minimum wage;
  - b. overtime wages;
  - c. do not work wages due to absent;
  - d. absent wages due to other activities outside of work;
  - e. wages for exercising the right to take a rest;
  - f. form and manner of payment of wages;
  - g. fines and deductions from wages;
  - h. things that can be calculated with wages;
  - i. the structure and scale of wages proportioned;
  - j. provider payment of wages for severance; and
  - k. wages for income tax calculation.
- (4) The government establishes minimum wages as in subsection (3) based on the needs of a decent live and by observing the productivity and economic growth.

In Article 89 of Law No. 13 of 2003 on Labour mentioned:

- (1) The minimum wage as in Article 88 subsection (3) letter a consist of the:
  - a. The minimum wages is based on the province or regency / city;
  - b. The minimum wages is based on sector in the province or regency / city.
- (2) The minimum wage as in subsection (1) is directed towards accomplishment the need of decent living.
- (3) The minimum wage as in subsection (1) set by the Governor with consider the recommendation from the Provincial Wage Council and / or the Regent / Mayor.
- (4) The components and implementation phases of achievement a decent living necessities such as in subsection (2) shall be regulated by ministerial decision.

Furthermore, in Article 90 of Law No. 13 of 2003 on Labor mentioned:

- (1) The employers are prohibited from paying wages lower than the the minimum wages as in Article 89.
- (2) For employers who are unable to pay the the minimum wages as in Article 89 can be done with suspension.
- (3) The procedure for the suspension referred to in subsection (2) shall be regulated by ministerial decision.

The government released again the Indonesian Government Regulation No. 78 Year 2015 on the wage to clarify the implementation of the the wage. The issue of wages is not only a national problem but also a problem for International and according to ILO conventions No. 100 of 1951 declared that equal wages for male workers and women for equal work should not be different. ILO Conventions have been ratified by Indonesia through Law No. 80, 1957.

Besides the issue of wages, there are some problems crimes carried out by the Employers, among others:

- a. Employing a child in a bad place;
- b. The employers did not include a guarantee pension program and lay off workers without error and not pay willing to pay the severance and other rights;
- c. Employing foreign workers by not having a written permission from the Minister or appointed official;
- d. Employing children who do not fulfill the requirements;
- e. Not provide maternity leave;
- f. Paying wages below the The minimum wages;
- g. Obstructing the right to strike of workers / laborers legitimate;
- h. Not rehire workers although there are decision of court that workers are not fault, and not pay severance even though workers had been dismissed by the employers due to there is a case not because of complaints of employers.

Then there are more crimes committed by employers in a working relationship which obstruct or forcing a worker / laborers to form or not form, to take charge of or become a member and / or run or not run the activities of trade unions / labor unions such as in Law No. 21 of 2000 on Workers / Trade Unions.

Besides that, in the Law No. 39 of 2004 on the placement and protection of Indonesian Migrant Workers in Foreign Countries, in Article 102 mentioned shall be punished with imprisonment of minimum two years and maximum of 10 years and / or a fine with two billion rupiah and at most fifteen billion rupiah, everyone that puts candidates for Indonesian migrant workers in the office or place of work as opposed to humanitarian values and norms of decency and an offense is a criminal offense.

## Problems

From the description above, the problems discussed in this paper are as follows :

1. How government intervention in working relationship?
2. What is the purpose of government intervention in working relationship?

## Discussion

If seen from the definition of industrial relations in Indonesia in Article 1 number 16 of Law No. 13 Year 2003 on Labour mentioned that industrial relations is a system of relationships formed between the actors in the process of production of goods and / or services which consists of the elements of employers, workers / laborers and a government based on the values of Pancasila and the Constitution of the State Republic of Indonesia Year 1945. From the definition of industrial relations, it generally means that in the process of production of goods and / or services are not only employers and workers / laborers, but also the government's role. The government's role here for guidance and protection of workers / laborers and employers.

Fostering in the broad sense is the government held coaching, protection to employers, and also conduct supervision and prosecution to employers who violate the provisions of laws and regulations. The government also held coaching, trainings, courses, seminars to workers / laborers, and protection to supervise companies so that the company does not violate the terms of employment, labor norms, and others.

In the first paragraph from the explanation of the Law of the Republic of Indonesia No. 13 Year 2003 on Labour mentioned : that The Development Employment as an integral part from the national development based on Pancasila and the Constitution of the Republic of Indonesia Year 1945, held for the construction of Indonesia fully human and the development of Indonesian society to enhance the dignity and self-employment and to actualize a prosperous society, just, prosperous, and equitable both materially and spiritually.

Then in the fourth paragraph mentioned that the development of industrial relations is part of employment development which directed to creating harmonious industrial relations, dynamic and equitable. The government still relies on guidance and supervision of employers and workers / laborers to implement it.

Government intervention in working relationship to create fairness in the employment relationship will be difficult to achieve because of employers, the stronger side, while workers was the weak side. The government is responsible in the field of employment through Law No. 13 of 1951 concerning labor inspection to appoint a supervisory employee labor to have the authority:

- a. oversee the enactment of legislation and in particular labor regulations
- b. gathering material information concerning matters of employment and the state of labor relations in the broadest sense in order to make laws and other labor regulations.
- c. carry out other work submitted in accordance with the legislation

The role of labor inspectors as investigators civil servants is recognized in Law No. 13 of 2003 on manpower.

No matter how the government held Guidance and Supervision of the terms of employment and labor norms, if there are no sanctions for employers, the implementation of the terms of employment and labor norms are not implemented. In the labor law regulations in Indonesia, there are three (3) sanctions namely civil sanctions, administrative sanctions and criminal sanctions or fines.

### I. Civil Sanctions

In employment agreement between employers and workers / labor have to accordance with Article 52 the Law No. 13 of 2003 on Labour, which reads:

- (1). The employment agreement was made on the basis of:
  - a. agreement by both parties;
  - b. the ability or competence to perform legal acts;
  - c. the work of an agreement; and
  - d. the promised job does not contrary to public order, morality and laws and regulations.
- (2). Employment agreement made by the parties that are contrary to the provisions referred to in subsection (1) letter a and b can be canceled.
- (3). Employment agreement made by the parties that are contrary to the provisions referred to in subsection (1) letter c and d canceled by law.

The contents of the working agreement between employers and workers / laborers in accordance with Article 54 of Law No. 13 Year 2003 on Labor, which reads:

- (1). Employment agreement made in writing at least the following:
  - a. the name, address and type of business;
  - b. name, gender, age and address of the worker / laborer;
  - c. position or type of work;
  - d. place of work;
  - e. the amount of wages and method of payment;
  - f. terms of employment which contains rights and obligations of employers and workers / laborers.
  - g. the start time and the validity period of employment agreement;
  - h. place and date of employment agreement was made; and
  - i. signature of the parties to the employment agreement.

- (2). The provisions in employment contracts referred to in paragraph (1) letter e and f, must not conflict with the company regulations, collective labor agreements and the applicable agreement.
- (3). The employment agreement as referred to in paragraph (1) is made at least in 2 (two), which has the same legal force, as well as workers / laborers and employers each receive 1 (one) work agreement

Later in the explanation of Article 54 paragraph (2) mentioned that the definition should not be opposed in this verse is that if the company has no company regulations or collective agreements, then the contents of employment agreement of both quality and quantity should not be lower from the company regulations or collective labor agreement in the company.

The civil sanctions such as the above can be canceled and canceled by law. The sanctions of the employment agreement made by the parties which not made based on the agreement of both parties and the ability or skill in the act of law, the sanction is a labor agreement can be canceled. While the labor agreement which was made in the absence of the contracted work and / or work of an agreement contrary to public order, morality and laws and regulations, then the employment agreement canceled by law.

By the law, the status of the working relationship between the workers and the company receiving a wholesale turned into the working relationship between the workers and the company of the employer, if the working relationship was based on an employment agreement at a certain time, then the new working relationship was also a the working relationship a certain time. If the the working relationship was originally a Certain Time Employment Agreement, the working relationship has also become Unspecified Time Employment Agreement. The transfer of the working relationship apply when chartering jobs which submitted to the other companies that does not meet the following requirements:

- 1) conducted separately from the main activity,
- 2) conducted by direct order or indirectly from the the employer,
- 3) supporting activities of the company overall,
- 4) other companies must be a legal entity.

By law, the status of the employment relationship between the employee and Workers Service Provider Company turned into a working relationship between the workers and the company of the employer, if the Workers Service Provider Company was used by the employer to carry out basic activities or activities related directly to the production process. The transfer of the employment relationship apply if the auxiliary service activities do not meet the following requirements:

- 1) The existence of a working relationship between the worker with the Workers Service Provider Company;
- 2) A work agreement is made in writing and signed by both parties;
- 3) Wages and welfare, working conditions, and the disputes arising becomes the responsibility of Worker Service Provider Company;
- 4) The agreement between the company with a service user Worker Service Provider Company made in writing and include provisions stipulated in the Labor Law;
- 5) Workers from the Worker Service Provider Company, is used by the employer to carry out basic activities or activities related directly to the production process.

In the case of these service providers, sanctions against the new working relationship status is not set explicitly. In the case of employer company with the contractor work company, when initially the working relationship is based on The Certain Time Employment Agreement, then the new working relationship is also a Certain Time Employment Agreement. If initially the working relationship was The Unspecified Time Employment Agreement, then the working relationship was also The Unspecified Time Employment Agreement.

## **II. Administrative Sanctions and Criminal Sanctions The Law No. 21 of 2000 on Labour / Trade Unions**

The Law No. 21 Year 2000 on Workers Union / Trade Unions regulate two kinds of sanctions namely sanctions of administrative and criminal sanctions:

(A). Administrative sanctions was stipulated in Article 42.

The Administrative sanctions was imposed to the union / federation / confederation of trade unions such as the revocation for violation of the following provisions:

- 1) Establishing Workers Union less than ten people;
- 2) Establishing Workers Union federation less than five Workers Union;
- 3) Establishing less than three federations Confederation Workers Union;
- 4) Do not tell the employment agency within a period of 30 days from the date of Amendment to Statutes and Bylaws Union / federation / confederation of Workers Union;
- 5) Do not give them know in writing to the employment agency, any aid from other parties who does not binding, which come from abroad and received by the Union / Federas / confederation of Workers Union.

The revocation of record number from Workers Union, federations and confederations of Workers Union does not mean that Workers Union was declared dissolved, but only lose their rights. Employment agencies inform that the revocation to the partners of Workers Union. After Workers Union meet these conditions, then the record number that applies is the record number of the old ones. The Workers Union that revoked a record number will lose rights as a party until the Workers Union time has been qualified.

- b). The Criminal Sanctions in Law No. 20 Year 2000 concerning Trade Union / Labour Union that stipulated in article 43, which reads:

1) Anyone who prevents or forcing a worker / laborers as referred to Article 28 subjected to a sanction imprisonment of a minimum of 1 (one) year and a maximum of 5 (five) years and / or a fine with Rp. 100,000,000.00 (one hundred million rupiah) and Rp. 500,000,000.00 (five hundred million rupiah).

2) The criminal acts referred to in subsection (1) is a criminal offense.

Anyone who obstruct or forcing workers to form or not form, to take charge of or not to take charge of, become a member or not a member and / or running or not running the Workers Union in a way : a) Terminating the work relationship, to temporarily discharge, demoting, or mutation, b) Not paying or reducing the workers' wages, c) Intimidating in any form, and d) Campaigning against the establishment of Trade Unions, will be liable to sanctions minimum one year and maximum five years and / or a fine with one hundred million and maximum five hundred million rupiah and that act is a criminal offense.

### III. Administrative Sanctions and Criminal Sanctions the Law No. 13 of 2003 on Labour

#### a) Administrative Sanctions

In Law No. 13 of 2003 on Labour regulate before the employment relationship, during and after the the working relationship ends. In the implementation of vocational training, sanctions may include the temporary suspension of the implementation of job training if these implementation turned out to training which not equip, not improve, and not develop job competence to improve the capability, productivity, and well-being of students and / or job training providers does not fulfill the requirements: 1 ) provided personnel training, 2) there is an appropriate curriculum with the level of training, 3) provided vocational training facilities and infrastructure, and 4) provided funds for the sustainability of job training.

In terms of apprenticeship, if the implementation of apprenticeship outside the territory of Indonesia not pay attention to: 1) dignity of the nation Indonesia, 2) a higher mastery of competencies, and 3) the protection and welfare of the apprentice, including conducting worship, so the administration of the apprenticeship can be stopped.

The Labor Law mandates the Minister or authorized officials to impose administrative sanctions for violations as follows:

- 1). Those who do not provide equal opportunities to obtain employment without discrimination to workers;
- 2). The employers who do not treat all workers with the equal treatment without discrimination;
- 3). The Implementation of job training that does not fulfill the requirements such as: a) provided trainers; b) their curriculum is according to the level of of training; c) provided job training facilities and infrastructure; and d) provided funds for the sustainability of job training;
- 4). The apprenticeship carried out in outside the territory of Indonesia without a permit from the labor agency;
- 5). The Private employment placement agencies that charge the employment from the users of labor, which is not only from the labor groups and certain positions as determined by the Minister;
- 6). The Employers to Foreign Workers which: a) not refer to the labor/worker as the labor companion of Foreign Workers for the transfer of technology and skills transfer from the Foreign Workers and b) not carry out education and training for worker of Indonesian Citizen appropriate with the qualifying positions occupied by Foreign Workers;
- 7). The employer who do not pay any compensation for every employment of Foreign Workers;
- 8). The employer who employ Foreign Workers which not repatriate Foreign Workers to their country after the employment relationship ends;
- 9). The Companies that do not implement a Management System Health and Safety integrated with company management systems as was stipulated by government regulation;
- 10). The company with 50 workers or more and does not establish bipartite cooperation;
- 11). The employers that do not print and distribute manuscripts Collective Labour Agreement to every employee on the company's costs;
- 12). The employers which not provide help at the latest six months, starting from the first day of the workers detained by the authorities, to the workers' family dependents with the following conditions: a) for one dependents 25% of wages; b) for two dependents 35% of wages; c) for three dependents 45% of wages, and d) for four or more dependents 50% of wages.

The administrative sanctions in question can be: 1) a reprimand, 2) a warning, 3) a restrictions on business activities, 4) a suspension of business activity, 5) a cancellation of the agreement, 6) a cancellation of registration, 7) the partially temporary suspension or whole means of production, or 8) a license revocation.

#### b). Criminal sanctions or fines

In the Law No. 13 of 2003 on Labour regulate criminal sanctions or fines which adjusted from article 183 to article 189.

The violations committed are:

- 1) Job placement that charge placement, either directly or indirectly, in whole or half to the labor and labor users and not from the labor groups and certain positions. The sanction such as fined at least Rp. 5.000.000, - and at most Rp. 50.000.000.-, which is a criminal offense and the offense may also be an administrative sanction.
- 2) The employer of foreign workers which not refer the worker of Indonesian citizen as assistants of Foreign Workers who are employed for the transfer of technology and skills transfer from the Foreign Workers and not implement education and training for workers of Indonesian citizens accordance with the qualifications occupied positions of foreign workers can be sanctioned as a criminal offense and punishable by imprisonment at least one month and maximum 12 months and / or a fine with Rp. 10,000,000, - and at most Rp. 100.000.000, -, in addition to administrative sanctions.

Anyone who employ children and involving children in the worst job of criminal offenses will be sanctioned as a crime and punishable by imprisonment for minimum two years and maximum five years and / or a fine of Rp. 200.000.000, - and at most Rp. 500.000.000, -. The measures included:

- 1) All work in the form of slavery or similar;
- 2) All the work of children for prostitution, production of pornography, pornographic performances, or gambling;
- 3) All jobs that use, provide, or involve a child for the production and trade in alcoholic beverages, narcotics, psikotropika, and other addictive substances;
- 4) All the work that endangers the health, safety, or morals of children.

If employers do not include workers who experience a terminate the work relationship due to retirement age in pension plan and does not provide severance pay amounting to two times according to the provisions of severance, gratuity, and compensation according to the provisions will receive a criminal sanction, which is imprisonment for one year and maximum five years and / or a fine of Rp. 100.000.000, - and at most Rp. 500.000.000, -, that act is a criminal offense.

Below is a criminal offense that will be penalized with minimum imprisonment of one year and maximum four years and / or a fine of Rp. 100.000.000, - and at most Rp. 400,000,000, - if doing:

- 1) Every employer who employs foreign labor who do not have written permission from employment agencies and employers who employ individuals of foreign workers;
- 2) Employers who employ children;
- 3) Employers who employ children for light work that does not meet the requirements of : a) written permission from the parents or guardian, b) agreements between employers and parents or guardians, c) Maximum working time is three hours, d) performed during the day and does not interfere with school time, e) occupational health and safety, f) the employment relationship is clear, and g) receive remuneration in accordance with applicable regulations;
- 4) Employers who do not meet obligations provides ample opportunities to workers to practice their religion required by his religion;
- 5) Employers that do not give women workers a break for 1.5 months before the time and 1.5 months after birth, according to calculations obstetrician or midwife, or who miscarried, rest 1.5 months or accordance with a doctor's certificate or midwife;
- 6) The employer who pays wages lower than the minimum wage;
- 7) Any person who obstruct the workers and unions to use the right to strike is done legally, orderly, and peaceful;
- 8) Any person who make an arrest and / or detention of workers and trade unions officials who strike legally, orderly, peacefully in accordance with the legislation ;
- 9) Employers who not hiring back workers who by court rulings before the six-month period expires, the worker found not guilty;
- 10) Employers who do not pay workers who suffered termination of the work relationship after six months of not doing the job properly, because in the process of criminal cases, the award of work and compensation according to the provisions.

Below are the actions that will be sanctioned as a criminal offense, with the threat of imprisonment for a minimum of one month and a maximum of four years and / or a fine of Rp. 10,000,000, - and at most Rp. 400,000,000, - if:

- 1) Implementation of employment does not provide protection from recruitment to employment that include welfare, safety and health, both mental and physical labor;
- 2) Employers who do not pay wages in terms of : a) sore that can not do the job, b) female workers who are sick on the first day and the second period of menstrual so can not do the job, c) absent from work due to get married, marry, circumcise, baptize his son, wife / son / daughter / parents / in-laws / family members in one house, dies, d) can not do the work because they are carrying out their duty to the Countries, e) can not do the job or religious practices that commanded his religion, f) willing to do the work that has been promised but employers do not employ him, either for own mistakes and obstacles that should be avoided by employers, g) implement the right to take a rest, and h) carrying out educational tasks of the company.
- 3) People who go on strike as a result of the failure of the negotiations as the basic rights of workers and unions of workers who performed illegal, disorderly, and not peace;
- 4) The workers and / or trade unions intending to invite other workers to strike when the strike by breaking the law

If do the following things will be sanctioned as a crime offense, punishable by imprisonment of at least one month and a maximum of 12 months and / or a fine of Rp. 10,000,000, - and at most Rp 100,000,000, -, namely:

- 1) Private institutions who carry out services of employment unincorporated and does not have the written permission from the employment agencies;
- 2) The employer of foreign workers who do not comply with the provisions regarding occupations and competence standards;
- 3) The employer of foreign workers who did not appoint the worker of Indonesian citizen as assistants of Foreign Workers who was employed for the transfer of technology and skills transfer of foreign labor; and implement education and training for workers of Indonesian citizens accordance with qualification positions occupied by Foreign Workers;
- 4) The employers who employ disabled workers and do not provide protection in accordance with the type and degree of disability;
- 5) The employers who employ children to develop their talents and interests and ineligible: (a) under the direct supervision of a parent or guardian, (b) the working time of less than three hours a day, and (c) the conditions and the working environment does not interfere with the development physical, mental, social, and school time;

- 6) The employers who: a) employing the female workers aged less than 18 years between 23.00 - 07:00, b) employing the pregnant women that are harmful to the health and safety of the womb or herself when working between 23.00 - 07:00, c) employing female workers between 23.00 s / d 07:00 and did not provide the food and drink and do not maintain decency and safety for the workplace, d) does not provide shuttle transportation for female workers to and from work between the hours of 23.00 / 05.00;
- 7) The employers who do not pay overtime wages, which employs workers to work overtime;
- 8) The employers who do not provide a time of rest and leave to workers that includes: a) a break between the hours of work, at least half an hour after working for four hours continuously, b) the weekly rest day for six days in a week or two days to five working days in a week, c) annual leave, at least 12 working days after working for 12 months continuously, and d) a long break at least two months and was carried out in the seventh and eighth each month for workers who have been working for six years continuously in the same company;
- 9) The employers who employ workers who perform work on formal public holidays and did not pay overtime wages;
- 10) The employers replacing workers on strike with other workers from outside the company, or give sanctions or retaliation of any kind to workers and union organizer (Unions) during and after the strike, the workers go on strike in accordance with the provisions

Whosoever violates the following provisions shall be sanctioned fine at least Rp. 5.000.000, - and most Rp. 50.000.000, - and the violation is a criminal offense:

- 1) Private job-training institute who did not obtain a license or register with employment agencies in the district / city ;
  - 2) Implementation of employment that charge placement, either directly or indirectly, in whole or part to the labor and the labor user not from labor groups and certain positions;
  - 3) The employers who make Agreements Work Time Indefinite verbally, which is not a letter of appointment to the worker;
  - 4) The employers who employ workers to work overtime which is not eligible: a) approval of the workers concerned; and b) overtime work performed more than three hours in a day and 14 hours per week;
  - 5) The employers who employ workers over 10 who do not make the Company Regulations;
  - 6) The employers who do not renew the Company Regulation expires after two years;
  - 7) The employers who do not inform and explain the content and provide the manuscript Company Rules / amendment to the worker;
  - (8) The employer who does not give written notification to the workers and / or Unions, as well as local employment agency for at least seven working days before the lockout (lock out) are implemented. The notification shall contain at least: a) time (day, date, and time) begins and ends lockout; and b) the reasons and causes of lockout.
- The whole from sanction of imprisonment, imprisonment and / or a fine can not eliminate the employer's obligation to pay the rights of and compensation to workers / laborers and an authorized person overseeing labor issues are labor inspectors who are appointed by the Minister of Labour of the Republic of Indonesia.

## Conclusion

1. If the relationship between workers and employers still left entirely to employers and workers, the purpose of labor law which is to create social justice for workers would be difficult to achieve.
2. Legislation in the field of employment is to provide legal certainty to the rights and obligations of workers and employers
3. Government intervention in the field of employment to achieve fair labor because the legislation regulate the rights and obligations of workers and employers and the continuity of companies
4. The presence of government interference in labor relations through legislation has been a change that makes the nature of the labor law to be double that are private and public.
5. When vacancies balance with the job seeker, then employers are afraid of violating the terms of employment and labor norms.
6. Sanctions imposed on employers who commit violations in the employment relationship are civil sanctions, administrative sanctions, criminal sanctions and fines.

## Suggestion

1. The Government through the employee of labor inspectors to be more active in monitoring employers and workers / laborers so the terms of employment and labor norms applicable in the company.
2. Unions / Trade Unions must actively participate receive complaints from workers / or labor and deliver to the employer or to the government.
3. The Government has always made education about the means of industrial relations to employers and workers.

## References

- Husni, Lalu. (2014). *Pengantar Hukum Ketenagakerjaan*, Edisi revisi, Devisi Buku Perguruan Tinggi, Jakarta : PT. Raja Grafindo Persada.
- Marbun, Jaminuddin. (2016). *Manfaat Perjanjian Kerja Bersama Dalam Hubungan Industrial Bagi Pengusaha Dan Pekerja/Buruh*, Medan : USU Perss.

- Khakim, Abdul. (2014). *Dasar-dasar Hukum Ketenagakerjaan Indonesia*, Cetakan ke 4, Edisi Revisi, Bandung : Penerbit PT Citra Aditya Bakti.
- Triyono, Rachmad. (2014). *Pengantar Hukum Ketenagakerjaan*, Jakarta : Penerbit Papas Sinar Sinanti.
- Tanggul, Hadistira. (2014). *Seluk Beluk Hukum-Hukum Ketenagakerjaan*, Harvarindo.
- Tanggul, Hadistira. (2014). *Mengenal Hukum Ketenagakerjaan*, Harvarindo.
- Tanggul, Hadistira. (2016). *Pengantar Hubungan Industrial*, Harvarindo.
- Kumpulan Peraturan Perundang-Undangan Program BPJS Ketenagakerjaan*. (2014). Edisi September, Kantor Cabang Tanjung Morawa.
- Undang-undang No. 21 Tahun 2000 Tentang Serikat Pekerja/ Buruh
- Undang-undang No. 13 Tahun 2003 Tentang Ketenagakerjaan
- Undang-undang No. 39 Tahun 2004 Tentang Penempatan dan Perlindungan Tenaga Kerja di Luar Negeri
- Peraturan Pemerintah Republik Indonesia Nomor 78 Tahun 2015 Tentang Pengupahan
- Peraturan Pemerintah Nomor. 86 Tahun 2013 Tentang Tatacara Pengenaan Sanksi Administrasi Kepada Pemberi Kerja, Pekerja, dan Penerima Bantuan Iuran Penyelenggaraan Jaminan Sosial