



DEMANDS FOR WORKER'S RIGHTS: A TREATY LAW PERSPECTIVE

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Article	Abstract
<p>Keywords:</p> <p><i>Worker's rights, contract law, employee rights, legal protection,</i></p> <p>Article History</p> <p>Received: July 13, 2023; Reviewed: July 16, 2023; Accepted: Aug 19, 2023; Published: Dec 10, 2023</p>	<p>Demands for workers' rights are an important issue in the world of work. A contract law perspective is one approach to considering employee rights claims. The aim of this research is to analyze employee rights claims in terms of contract law. Collective agreements are the basis for regulating the relationship between workers and employers. Employee rights are regulated and protected by company agreements. Workers' rights demands cover various aspects, such as fulfilling salaries, benefits, reasonable working hours, safety and health guarantees, adequate leave, protection against discrimination and guaranteed legal protection. From a contract law perspective, it is important to understand the elements contained in an employment contract, such as the principal of the contract, the conditions that must be fulfilled, as well as the rights and obligations of each party. In addition, applicable laws and regulations must also be considered when resolving disputes between workers and employers. This research method that can be used is qualitative normative legal research with secondary data. The results of this research are expected to provide a better understanding of workers' rights and the legal protection available in employment contracts. In short, it emphasizes workers' rights in the world of work. This is an important matter and can be seen from the perspective of contract law. Employment contracts are an important means of protecting workers' rights. However, it is also important to continue to monitor legal developments and improve existing regulations to better protect workers' rights.</p>

1. INTRODUCTION

Development as a whole in Indonesia, especially in the field of employment, can have a big impact on improving the welfare of Indonesian workers. Therefore, employment law must be able to provide legal certainty and uphold justice for workers. Considering that labor factors must be taken into account in the development process, efforts need to be made to develop, channel and protect the workforce in order to create relative prosperity. Basically, the aim of worker protection is to ensure the humanization of workers. Employees are given the opportunity to carry out various tasks and social responsibilities, so that they can develop their potential in such a way that in turn they can improve their quality of life so they can live a dignified life. Protecting workers requires multifaceted, integrated and sustainable planning and implementation. The government as supervisor and law enforcer implements statutory regulations appropriately, bearing in mind that the position or position of entrepreneurs and employees is a possible resource for the state and the subject of state development, which has the same position as a guide for behavior before statutory regulations that must be fulfilled. parties with full responsibility.

In general, several workers' rights must be protected, namely: the right to work, the right to fair wages, the right to safety and health protection, the right to equal treatment, the right to privacy, the right to terminate employment contracts, etc. and for employers, namely: the right to make work regulations and agreements, the right to accept and terminate work contracts, the right to protect employees and legal protection and supervision in working life, etc. Juridically, the position of workers is equal and balanced. However, in practice it is not appropriate, several problems are still unresolved including regulatory factors, culture and workers, employers and legal institutions, even though in theory employers and workers have the same position but in practice they are different, and the company's ability to support workers' rights.¹

To overcome the problems stated above, various efforts are needed to fulfill workers' rights within the framework of fair employment relations in statutory regulations. It is hoped that the enactment of Law number 13 of 2003 concerning employment² will help enforce the issue of protection and guarantees for workers. The aim of social justice in the field of employment is to protect workers against the unlimited power of employers or employers within the scope of existing law.

¹ Niru anita sinaga dan Tiberius zaluchu, Legal protection of workers' rights in employment relations 2017

² Law number 13 of 2003 concerning employment

In the background of the problems above, in this case the author wants to know more about workers' justice rights in employment relations in Indonesia.

2. RESEARCH METHODOLOGY

The research can employ a qualitative normative legal research method using secondary data. This approach involves examining legal regulations, court rulings, legal literature, and other relevant documents to gain insights into workers' rights claims from a contract law perspective. The first step is to collect and analyze legal regulations pertaining to workers' rights in employment contracts. This includes labor laws, government regulations, and company policies that govern workers' rights. The analysis aims to understand the specific rights granted to workers under employment contracts. Furthermore, the research will analyze court decisions related to workers' rights claims within the framework of contract law. This analysis will provide an understanding of how workers' rights are applied in practice and how contract law influences the protection of these rights.

Additionally, a review of legal literature will be conducted to explore various perspectives on workers' rights claims from a contract law standpoint. This will involve examining legal books, scholarly journals, articles, and other relevant sources to gain a broader understanding of the issues surrounding workers' rights. By utilizing the qualitative normative legal research method with secondary data, this study aims to provide a comprehensive understanding of workers' rights claims within the context of employment contracts. The analysis of legal regulations, court rulings, and legal literature will offer valuable insights into the protection of workers' rights.

3. ANALYSIS AND DISCUSSION

Every relationship created by law always has two sides: rights on one side and obligations on the other. There is no right that has no obligation, and no obligation that has no right. Interests protected by law are known as rights. With rights, people can enjoy and exercise them. Obligations are positive legal norms that command a person's behavior and establish sanctions for behavior that does not conform to them. The concept of sanctions is essentially linked to the concept of legal obligations. The subject of a legal obligation is the person whose behavior can trigger sanctions. Rights and obligations are authorities granted to a person by the law, it is not a collection of norms or principles. Rather, rights and obligations are a balance of power in the form of one person's individual rights reflected in another person's obligations. The regulation of the rights and obligations of workers and employers in employment agreements is important to note as a legal event that has legal consequences. This is because, although the relationship between workers and employers is one of dependence, it is always one-sided.

It is important to assert workers' rights in the context of contract law to ensure that workers are treated fairly and in accordance with the agreed terms. Article 27 paragraph 2 of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) states that every citizen has the right to work and a livelihood worthy of humanity³³. The 1945 Constitution also states that everyone has the right to work and to receive fair and decent remuneration and treatment for their work. This can be seen in Article 28D paragraph (2) of the 1945 Constitution. Employment agreements are derived from agreements in general, but each has characteristics that distinguish it from the others. Basically, all agreements have general provisions that apply to all types of agreements, namely about the principles, legal requirements, subject, and object of the agreement. Employment agreements regulate the rights and obligations of each party and also regulate the work system that will be undertaken by workers based on working conditions, as well as the rights that will be received by workers or laborers as recipients of work from employers.

The indicator of a good work arrangement is reflected in the content of the work agreement agreed by the parties. This is a manifestation of the fulfillment of human needs properly based on the spirit of human rights protection and the spirit of labor law, namely the empowerment and utilization of workers and the labor force, the protection of workers and the labor force, and the improvement of the quality of life of labor is the welfare of workers /workers and their families. Employment agreements have been recognized as a

³ Cristoforus valentino alexander putra , The urgency of definition clauses in employment agreements

determining

aspect of the proper functioning of the employment system and provide positive and beneficial results for workers. Therefore, employment contracts agreed by the parties (employees and contractors) must have contents that are easy to understand, without giving rise to many double interpretations and double meanings. The interpretation of the employment contract must be mutually understood between the worker and the employer to avoid disputes arising in the future. In making and signing an employment contract, it is expected that the parties, especially the employer (contractor) who signs a standard employment contract, will explain in detail the rights and obligations of both parties regarding the rights and obligations arising from the employment contract. A good work system will be demonstrated through the contents of the employment contract agreed by the parties. It is possible to fulfill human needs in a good way, while upholding the values of human rights and labor laws, which include employing and empowering workers to work, as well as maintaining the privacy of workers and their families.

The principles of agreement in general also apply to employment contracts, such as the conditions for the validity of an agreement according to Article 1320 of the Civil Code, the principle of freedom of contract, the principle of *Pacta sunt servanda*, the principle of consent, the principle of good faith and other principles contained in contract law. Article 50 of the Labor Law stipulates that employment relations arise due to a work agreement between a contractor and a worker. Thus, the employment contract is the source of the legal employment relationship between the worker and the employer, which is established in the form of a contract understanding of rights and obligations based on an agreement. According to Wiwoho Soedjono, an employment contract is as follows: The legal relationship between those who act as workers/employees and those who act as employers. An agreement between an individual of one party and another party as an employer to do work for compensation.

Fulfillment of Contractual Terms: Workers have the right to ensure that the employment contracts they sign with employers are implemented in accordance with the agreed terms. This includes compliance with wages, benefits, work schedules and other conditions set out in the contract.⁴ Compliance with contractual terms is an important aspect of the employment relationship, as workers have the right to ensure that all conditions agreed in the employment contract with the employer are met. All actions are carried out accurately and in a timely manner. Here are some complaints regarding certain employee rights from a contract law perspective:

⁴ Ari hernawan, fakultas hukum Universitas Gadjah Mada

3.1 Salary Fulfillment

One of the main contents of the employment contract is the payment of wages to workers according to the agreement. Employees are entitled to receive salaries according to the time specified in the contract, weekly, monthly or as previously agreed. An employee's salary is usually specified in the employment contract between the employee and the employer. The employment contract clearly regulates the level of salary, the method of payment of salary, the period of payment of salary and other regulations relating to salary. In contract law, the basic principle is agreement between two parties.

This means that the salary agreed upon in the employment contract must be honored by the employer in accordance with the agreed regulations. The employer is obliged to pay the worker according to the period specified in the employment contract. Usually salary payments are made periodically, for example weekly, monthly or according to agreed terms. Employers are not allowed to delay salary payments without valid reasons or make deductions that are not in accordance with current regulations or agreements stipulated in the employment contract. In the event of a violation of the salary payment obligation, workers have the right to demand the appropriate salary. They can use dispute resolution mechanisms such as mediation, arbitration or courts to resolve disputes. Violation of payroll obligations may result in legal sanctions, including fines or claims for damages from the employer. Employers who fail to fulfill their wage payment obligations may be in breach of the employment contract and liable for any harm caused to employees.

3.1 Benefits

In addition to salary, employment contracts may also include additional benefits such as incentives, bonuses, or health and education benefits. Workers have the right to ensure that all benefits promised in their contract are also honored by the employer. In contract law, benefits are part of the agreement between the worker and the employer and are not included in the basic salary but are added to the remuneration paid to the worker. Here are some explanations of allowances in contract law: An additional allowance is a form of additional compensation provided by the employer to the worker in addition to the basic salary. These benefits can take many forms, such as health benefits, transportation benefits, education benefits, or other benefits specified in the employment contract or company policy. Additional benefits are often stipulated in the employment contract between the worker and the employer.

The employment contract will detail the type of allowance to be provided, the amount of the allowance, the conditions of receipt, and other conditions related to the allowance. Just like the basic salary, employers are obliged to provide allowances to their employees in accordance with the provisions of the employment contract or company regulations. Allowances must be paid within a predetermined period of time, for example monthly, annually or according to other agreed terms. Employees have the right to enjoy benefits in accordance with the agreement that has been set. If the employer does not fulfill its obligation to pay allowances under the employment contract, the employee has the right to demand compliance with such rights and, if necessary, may use dispute resolution mechanisms available under labor law. Benefits may vary depending on the company and industry in which the employee works. Some companies may offer additional health benefits or health insurance, while other companies may offer training, transportation, or other benefits depending on your needs and policies.

3.2 Work Schedule

Employment contracts also often contain fixed work schedules, including working days, working hours and rest periods. Employees have the right to work according to the agreed schedule and enjoy reasonable rest periods in accordance with applicable regulations. A work schedule is a predetermined time or period during which an employee is expected to work or be available to work based on conditions agreed in the employment contract or company policy. Working time includes working days, working hours and rest periods that are regulated in accordance with the needs of the company and applicable laws and regulations. Employment contracts between workers and employers usually clearly stipulate the work schedule given to workers. This includes scheduled working days, scheduled working hours, and scheduled rest or vacation time.

Employees have the right to know and respect the work schedule agreed upon in the contract. In the employment contract, workers are obliged to obey the working hours set by the employer. This includes arriving at the workplace on time, working according to the work schedule that has been set, and taking leave or rest according to applicable regulations. Workers have the right to be protected from violations of their employer's work schedule. If the employer changes the work schedule without adequate notice or permission, or forces the worker to work outside the established schedule without adequate compensation, the worker has the right to demand compliance with the work schedule agreed upon in the Contract.

Some employment contracts may stipulate flexible working hours, such as working from home or flexible working hours. However, such flexibility must be in accordance with regulations agreed by both parties and must not reduce workers' rights stated in the employment contract.

3.3 Safety and Health Assurance

Ensuring safety and health in employment contracts is an important aspect of ensuring a safe and healthy working environment for employees. Employment contracts can contain provisions governing the employer's obligation to provide a safe and healthy working environment for employees. This includes the purchase of appropriate personal protective equipment (PPE), safety training, and other measures to prevent accidents and injuries in the workplace. Employment contracts may also include occupational health and safety standards that must be respected by both employers and employees. These may include standards set by local occupational safety authorities or relevant industry organizations. The employment contract may set out procedures for regular inspection and review of safety and health conditions in the workplace. This includes routine inspections, equipment inspections, and assessments of potential risks of accidents or injuries. Employment contracts may include provisions requiring workers to report unsafe conditions or work accidents to the employer. Employers may also be required to follow up on such reports and take steps to promptly resolve the issue.

Employment contracts may stipulate the employer's obligation to provide safe and adequate work equipment and facilities to support workers' health and well-being. This may include the provision of clean water, sanitation and comfortable rest areas. Employment contracts may include provisions governing the employer's obligation to provide safety education and training to employees. This aims to raise workers' awareness of potential risks in the workplace and how to reduce or prevent them. Employees have the right to work in a safe and healthy environment in accordance with applicable laws. They may require compliance with occupational health and safety standards set by government or regulatory authorities.

3.4 Protection Against Discrimination

Workers have the right to protection against discrimination based on religion, race, sex or origin in employment. They can demand fair and equitable treatment in the workplace, in accordance with the principles of non-discrimination under customary law. Workers are entitled to protection against harassment in the workplace, and they can demand non-degrading treatment and legal action against harassers. Employment contracts may include prohibitions on discrimination based on race, color, religion, gender, sexual orientation,

age, disability or other personal characteristics unrelated to job performance. This prohibition of discrimination is subject to the principle of non-discrimination established by labor laws and regulations. Employment contracts may also contain provisions prohibiting humiliation, harassment or intimidation of workers based on their personal characteristics.

This includes protection against comments or actions that demean or create an uncomfortable or unsafe working environment for workers. Employment contracts may impose obligations on employers to provide equal rights to all workers, regardless of their personal characteristics. This includes the right to equal pay, performance-based promotions, equal access to career opportunities and fair treatment in the workplace. Employment contracts can include clear and transparent grievance procedures for workers who experience discrimination or harassment in the workplace. This may include the establishment of dispute resolution committees, conciliation mechanisms or open lines of communication between workers and management. Employment contracts may contain provisions prohibiting the use of punitive or discriminatory sanctions against workers. This may include the elimination of sanctions that are disproportionate or disproportionate, or sanctions that are selectively imposed against certain groups of workers. Employment contracts may stipulate employers' obligations to provide education and training to workers on diversity, inclusion and the elimination of discrimination in the workplace. This aims to increase workers' awareness and understanding of the importance of respecting differences and creating an inclusive work environment.

3.5 Legal Protection Guarantee

Workers have the right to be protected by law to resolve conflicts arising in the employment relationship. They can demand access to a fair and transparent dispute resolution process in accordance with the legal provisions of the agreement. The legal protection guaranteed in the employment contract is the basic right of workers to obtain legal protection for their rights stipulated in the employment contract. The employer has an obligation to respect all provisions contained in the employment contract, including the rights and obligations of workers. This includes the payment of wages, benefits, working hours and other terms agreed in the contract. If the employer breaches the employment contract, then the worker has the right to demand respect for his or her rights through the legal system. This may involve filing lawsuits, arbitration or mediation to resolve disputes that arise. Employment contracts may include provisions that protect workers from unlawful or unfair dismissal. If the employer terminates the employment contract without cause or violates any other provision of the contract, the worker has the right to seek reinstatement or compensation under applicable law. Employment contracts may contain provisions prohibiting discrimination or bullying against workers based on certain personal characteristics. If workers experience discrimination or bullying, they can claim legal protection and possible compensation for the harm suffered.

Employment contracts may contain provisions governing the employer's obligation to provide employees with a safe and healthy working environment. If the employer fails to fulfill this obligation, then workers have the right to seek legal protection and possible compensation for injuries or other losses resulting from unsafe or unhealthy working conditions. Employment contracts may include provisions on how to legally resolve disputes between workers and employers. This may include requirements for conciliation, arbitration or legal dispute resolution, in accordance with the terms stated in the employment contract. Understanding the legal guarantees in employment contracts is important for employees as it guarantees their rights will be protected and legally enforced. In the event of a breach of the employment contract by the employer, employees have the right to seek legal protection and ensure that they are treated fairly in accordance with applicable laws.⁵

If we look at the definition of a work agreement according to the Civil Code and the definition of an agreement according to the Manpower Law, it appears that the definition

⁵ Muh sjaiful, Normative Problems of Guaranteeing Workers' Rights in Law Number 11 of 2020 concerning Job Creation

of a work agreement according to the Civil Code has a distinctive feature, namely the element "under the order of another party". The word "under orders" indicates that the legal relationship that occurs is "subordinative". The contractor, as a higher socio-economic actor, orders workers from a lower socio-economic background to perform certain work. The word "order" is a standard in labor contracts that distinguishes them from other agreements. What is meant by "under orders" is that one party must obey the other party or submit to the instructions or directions of the other party. In short, the relationship is that of superior and subordinate.

The expectation of equality between workers and employers seems to be a long way off. Many factors influence this, such as the lack of knowledge and understanding of workers about their rights, the pressure of the economic situation that forces workers to provide for their families, leaving the laboring community with no choice but to accept work as it is, and other factors that give a stronger and superior bargaining position to the contractor or employer. An employment contract is a mandatory requirement that must be complied with by the employer. Article 1 paragraph (4) of the Manpower Law defines an employer as an individual, entrepreneur, legal entity, or other organization that employs workers by paying wages or other benefits. Article 1 point 14 defines a work contract: "An employment contract is an agreement between a worker and a contractor or employer that regulates the terms of employment, rights and obligations of both parties.". Article 1 Point 15 explains that the employment relationship between employers and workers/employees takes place on the basis of a work agreement which includes the elements of work, wages, and orders. Thus, it can be concluded that the employment relationship between the employer and the beneficiary of employment (employee/worker) must be based on a work contract signed by the parties (employer and employee). employment beneficiary agreement containing the terms of employment, rights and obligations of both. With regard to Article 1 Point 4, an employment contract is an absolute obligation that must be fulfilled before the commencement of an employment relationship. The applicability of employment contracts must be broadly understood not only for employers, but also for all employers mentioned in number 4 of Article 1 of the law, namely natural persons, business entities, individuals, legal entities, and other employer organizations.

4. CONCLUSION

An essential lesson to be learned from the previous discussion is the importance of the concepts of trust and obligation in the legal relationship between employers and employees. Every duty that employees have comes with obligations that need to be fulfilled. The most crucial element in establishing the rights and responsibilities of each party and guaranteeing

the law protection of the workers is the work schedule. The capacity to comprehend and adhere to work procedures is a crucial skill for employees to possess in order to satisfy established deadlines and expectations. The work schedule also addresses a number of other topics, including pay and benefits, vacation policies, scheduling, and safeguards against harassment and stress at work. Given this, have a strong grasp of work.

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