

ABSTRACT

Basically, the parties are free to determine the rights and obligations in an employment agreement. In an outsourcing system, there is a balance of rights and obligations for workers based on mutual agreement. The rights and obligations in an outsourcing employment agreement must not fall below the minimum requirements stipulated by labor legislation, company regulations, and collective labor agreements. The relationship between the employer, the outsourcing company/contractor, and the workers should ideally create a triple alliance (a mutually dependent relationship). However, in practice, disputes often arise. These disputes could be avoided if all parties were fully aware of their respective rights and obligations.

Therefore, the author identifies issues related to the topic under discussion. The identified problems are formulated to narrow down the scope of discussion so that this thesis is aligned with its objectives, which include: how the implementation of legal protection for workers in outsourcing employment agreements is carried out, and what obstacles outsourced workers face in becoming participants in the social security program (Jamsostek).

In this study, the author employs a normative juridical approach, which is a legal research method aimed at examining legal norms, principles, and positive laws, as well as finding the most appropriate legal rules to be applied in resolving specific legal issues.

The author concludes that legal protection for workers in outsourcing employment agreements is regulated in Articles 64 to 66 of Law of the Republic of Indonesia No. 13 of 2003 on Manpower. Provisions regarding outsourcing companies are further regulated in the Decree of the Minister of Manpower and Transmigration No. Kep.101/Men/VI/2004 of 2004 on

Licensing Procedures for Manpower/Labor Supply Companies (KEPMEN No. 101 of 2004). An outsourcing company, or a manpower supply company, is a legal entity that provides workers/labor services to be employed by client companies. It is essential for contract workers to study and understand the content of the employment contract before signing or agreeing to it. If the employment agreement stipulates that contract workers are included in the labor social security program, this means that the company only provides facilities in accordance with Jamsostek standards, not health care schemes with better benefits.