

## The Role of the Samosir Regency Industry and Trade Manpower Office in Providing Legal Protection for Workers in the Tourism Sector

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**ABSTRACT:** This study discusses the legal protection for workers in the tourism sector through the role of the Department of Trade and Industry of the Samosir Regency. Labor protection is increasingly being considered by the Samosir District Government in terms of establishing Samosir as the Toba Caldera, so it is necessary to provide special protection for workers in the tourism sector. The research method used is empirical juridical research by examining the Role of the Department of Trade and Industry Manpower of Samosir Regency in providing protection for workers in the tourism sector. Qualitative descriptive data analysis by describing the overall conditions of protection for workers in the tourism sector conducted by the Samosir District Government. Based on the results of the study obtained as follows: That the conditions of workers in the tourism sector in the District of Samosir, North Sumatra Province did not run in accordance with the provisions of employment this is because the tourism sector workers are only seasonal during holidays, holidays that are not certain schedule. The Role of the Samosir Regency Industry and Trade Manpower Office in providing protection for workers in the tourism sector, the government coordinates workers through trade unions and employers in the Tri Partite Cooperation Institute that can provide recommendations to the government, especially to the Samosir Regency Trade and Industry Office. Suggestions that the Samosir Regency Government can provide job training for workers in the tourism sector so as to produce professional workers, so that meetings between workers through trade unions with employers and the government should be held routinely at least 3 times a year so that they can immediately find solutions to employment problems in Samosir Regency.

**KEYWORDS :** *Office Role, Workers, Tourism Sector, Legal Protection, SamosirRegency*

### I. INTRODUCTION

Issues of rights and obligations of workers in the tourism sector in the region of Samosir regency because there are still many work agreements created unemployed only agreement between workers with entrepreneurs. Workers do not acquire the rights as stipulated in the Manpower Act, district MSE regulations and other labor regulations. In addition the workers only daily loose, the contract depends on the conditions of the day such as holidays holidays, Saturday weekends, national holidays. This condition causes the entrepreneurs to excuse that they are not able to hire workers if there is no tourist visit. There must be a role of Department of Manpower Samosir Regency in providing legal protection for workers in the tourism sector to be able to develop the quality of tourism Samosir to Toba caldera from the labour sector. This paper is based on the research done to provide legal certainty to the workers of the tourism sector in order to be maximized in providing tourism services and to acquire rights in accordance with the prevailing provisions or Rights to the provisions of labor law. That the rights of workers to the human rights that must be protected by the state, the local government of Samosir regency through the office of Labor Industry and trade has an obligation to respect, protect and observe human rights Especially the workers in Samosir. It is a form of protection of human rights implemented in Samosir Regency. Based on the explanation above, then the problem formulation as follows: First how is the condition of workers in the tourism sector in Samosir regency of North Sumatera province?; What is the role of Department of Manpower industry and trade of Samosir regency in providing protection for workers in the tourism sector?. Research aims to find and analyze the condition of workers in the tourism sector

in Samosir Regency North Sumatera Province and to analyze the role of Department of Manpower industry and Trade Samosir Regency in providing Protection for workers in the tourism sector.

## II. METHODOLOGY

Method of study using juridical empirical by using sample purposive sampling that is the respondent Head of Employment Department of Labour Office of Samosir District, tourism worker of Samosir and the Speaker Kadis Department TenagaKerja District Samosir with an open interview. Once data is obtained in a qualitative descriptive data analysis that draws the overall role of Dinas TenagaKerja Samosir Regency in providing legal protection for tourism sector workers.

## III. RESULT AND DISCUSSION

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. Heteronomic rules are the legal provisions in the field of labour made by a third party that is the government that is 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.

The rights and obligations of tourism sector workers are governed by the manpower 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.

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:

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.

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.

The understanding of employment agreements is both parties, workers/workers and entrepreneurs. The workers bind themselves to work and have the right to receive wages. Entrepreneurs bind themselves to hire workers/workers and are obliged to pay wages. Provisions in the employment agreement that contradict the provisions of the law which are of a force, its jurisdiction should be investigated one by one. For example provisions that contradict with the obligation of the entrepreneur to pay the wages on a regular basis and little-in the month, although the violation of the obligations of the employers are threatened with criminal (labor rules in industrial Enterprises Article 5 paragraph (1) Jo Article 11 paragraph (1)).

Wages is an essential element in employment, the wage is often a polemic because of the difference in interachievement of its calculations that are considered not to meet the expectations of both workers, entrepreneurs and governments who become regulators or referees in the determination and supervision of the wage. Wages workers are a major source of income to meet their life needs. Regarding the notion of wages found a common sense in the regulations that the law No. 13 years 2003 the enforcement of wages is contained in article 1 of number 30, namely: "Wages is the right of worker/Labour received and expressed in the form of money in return for an entrepreneur or employer to the workers/workers assigned and paid for by a work agreement, agreement, or legislation, including allowances for workers/workers and their families on a and/or services that have been or will be performed".

In law No. 3 years 1992, the definition of wages is in article 1 of number 5 namely: "Wages is an acceptance in return for employers to the business of a work that has or will be undertaken, expressed or judged in the form of money stipulated by a treaty, or legislation and paid on the basis of a working agreement between entrepreneurs and Labor, including benefits, both for labor and family".

While in LAW No. 40 year 2004, about national Social security system found the definition of wages in article 1 Figure 13, namely:

"Salary or wages are the rights of workers received and expressed in the form of money in exchange for the employer to the labour stipulated and paid in accordance with employment agreements, agreements, or regulations, including allowances for workers and their families on a work and/or services that have been or will be performed".

From the three regulations that provide the wages can be withdrawn the elements that must be contained in the wages, namely:

1. Wages are an acceptance in return for the work that has or will be done;
2. Expressed in the form of money;
3. The amount stipulated in the Employment Agreement, joint agreement, company regulation or statutory regulations
4. Also includes other benefits

Minimum wage is essentially meant to keep the most marginal workers from being able to still receive wages even if it can only cover the needs of everyday life in a very simple way. Thus, the minimum wage is the safety net of the manpower market and wages. The government's primary goal in regulating the minimum wage policy is to increase welfare workers who are periodically adjusted for a minimum wage increase to reflect the change/adjustment of per capita income and work productivity. Since the implementation of the decentralization and regional autonomy era in 2001, local governments are empowered to determine the provincial Minimum wage (UMP). This policy is taken based on the difference of income of each region and the level of industrial development in these areas. The provisions of this minimum wage are orders that entrepreneurs must implement, including small industries.

Economic aspects such as the field of wage more looking at macro and micro economic conditions that consider the company's ability when determining the wages and the implementation of the field, so as to encourage the productivity of workers work/workers and once not burden the company.

The minimum wage cannot be applied in bulk in all sectors, especially the informal sector, and the determination of the minimum wage should also be attentive to the capabilities of all sectors and business levels, so long as it has been recognized as a misinterpretation in the determination of the provincial Minimum wage. The minimum wage is the lowest wage to make a person can live. But not the intention of lawmakers obliging entrepreneurs to pay only UMP. Higher wages from UMP can increase worker productivity. The minimum wage function should be returned to its original meaning, namely as a safety net in the job market in general and the field of wage in particular. Labor law should only provide a 'minimum standard' and give workers/workers the opportunity to get better rewards/wages through negotiations by taking the code of good faith ordinances.

Moreover, because of the conditions of the wage in Samosir caused the salary of workers are not as low as MSES. This led to many workers coming out of Samosir going to wander. But there needs to be improvement in the mechanism of granting workers' rights with regard to the welfare of workers with attention to the condition of entrepreneurs who are in trouble advancing their business in the tourism sector. Therefore, the Government is required to contribute to the promotion of tourism sector in Samosir Regency.

The condition of workers in the tourism sector based on interviews with unions, entrepreneurs and governments on 25 October 2019 at the Office of Labour Industry and Trade Samosir district that the workers of tourism sector are experiencing an ungood condition where workers are almost freelancers in accordance with the holiday period, big days 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 in the tourism sector is not an expert worker in the field of tourism sector. So entrepreneurs are forced to train workers and acquire untrained workers. This condition affects worker rights, so bargaining positions of workers is very weak.

In addition, the conditions of the worker's wage is not in accordance with the minimum wage Regency/city of Samosir almost 2.4 million in 2019 even the determination of Rp. 2.6 million in the year 2020 this in practice is not in accordance with the workers received, as stipulated in the determination of the MSE of Samosir year 2020 will be held in the first week of November 2019 by the Board of Regional wage in Samosir district was planned in the meeting room of the Regent's office of Samosir. That in accordance with article 74 (1) Juncto article 44 number (2) Government Regulation number 78 year 2015 about the wage of UMK in the district of 2020, using the calculation formula of minimum wage year goes coupled with the multiplication between the minimum wage year running with the summation of the national inflation rate of the year and the growth rate of gross domestic product year. With the following details:

$$UM_n = UM_t + (UM_t \times (\text{Inflasi}_t + \% \triangle PDB_t))$$

**Description:**

$UM_n$  : The Minimum wage to be set

$UM_t$ : Year Minimum wage

$\text{Inflasi}_t$  : Inflation calculated from the September period of the past year until the period of September.

$PDB_t$  : Gross domestic product growth calculated from the growth of gross domestic product which covers quarter III and IV of the previous year and the quarter I and II year period.

Based on head of BPS RI number B-246/BPS/1000/10/2019 dated 02 October 2019 Jo. Letter of Minister of Manpower RI number B-M/308/Hi. 01.00/X/2019 dated 15 October 2019, national inflation and national economic growth to be used in the calculation of Minimum wage year 2020 as follows:

- a. National inflation of 3.39% (three coma thirty-nine percent).
- b. National economic growth (GDP growth) amounted to 5.12% (five commas twelve percent).
- c. Thus, the increase of MSES year 2020 is based on the inflation of 8.51% (eight commas of fifty one percent).
- d. UMK year 2019 is Rp. 2,440,860,-
- e. Estimated MSES Samosir year 2020 is Rp. 2,648,577,-

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 Industry Manpower and Trade Samosir District so that all workers are immediately registered to BPJS although only for the 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

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 tourist activities that are not much end when 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 condition of the government of Samosir district said that the program can be done to overcome this condition by improving coordination and cooperation between the field of employment with the institution/center for work training of central government namely:

- a. The great Hall of Work Training Development (BBPLK) Bekasi for the concentration in vocational field of electronics and Computer Engineering (on October 28th, 2019 will be able to move 8 (eight) participants of Computer engineering vocational training that is financed entirely from DIPA APBN BBPLK Bekasi;
- b. BBPLK Serang in Banten Province for the vocational concentration of training in electrical installation engineering and welding techniques, in January 2019 has been dispatched 16 participants vocational training of welding and electrical engineering for 2 months which are all covered by DIPA APBN BBPLK Serang;
- c. BBPLK Semarang for the concentration of training in the field of vocational Fashion and business management/Entrepreneurial, in June 2019 has been dispatched as many as 8 participants in the Fashion design vocational training for 2 months all borne by DIPA APBN BBPLK Semarang;

In addition, cooperation with PT Midi Utama Indonesia, TBK related to the recruitment of labor employees. PT Midi Utama has done 3 times the recruitment in Samosir regency to be placed on the Alfa Midi store in the region of Samosir Regency in particular and North Sumatra surrounding. Government-owned training institutes/halls, the private work Coaching Institute is also expected to be a practicing place for job seeker communities in Samosir Regency. Currently existing private LPK in Samosir Regency is LPK "Setia Rohana" which is domiciled on Pangururan Street area which is engaged in the vocational field of beauty makeup/salon. That the training on the tourism sector is still not a focus of the Government so that the need for synergy between the government, entrepreneurs, and workers in this case understand the condition of tourism sector of Samosir is still experiencing uncertainty in the process of tourism promotion so that the present tourist is causing impact on the provision of workers rights, but this is not the reason for employers do not give legal protection Applicable.

In addition, the government program to the 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 employers acquire 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 the tourists who impact the increasing tourists in Samosir.

In addition, there is also a need to cooperate through the LKS tripartite in finding solutions to the problems in Samosir regency, especially labor problems due to little salary, 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 the wages received a little. The economic business climate needs to be at 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 UMK Samosir regency.

The Government of Samosir regency through the office of Labour Industry and trade has been conducting 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. 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 the interview with Head of manpower industry and trade of Samosir District Mr. Vikbon. H. Simbolon, S. Pd, M. M and the head of manpower acquired data on the implementation of protection and development Program of employment Institution Empowerment of Tripartite Institute of Cooperation he delivered the program of work in developing, protecting employment in Samosir, both job seekers by conducting training but not special training for tourism so there needs to be special training tourism in cooperation with SMK tourism in Then it is said that the protection of workers both permanent workers and workers.

#### IV. CONCLUSION

Based on the explanation above as follows:

1. The condition of workers in the tourism sector in Samosir regency of North Sumatra province does not run in accordance with the provisions of employment this is due to tourism sector workers only seasonal during holidays, uncertain big day Schedule.
2. The role of Department of Manpower industry and trade of Samosir regency in providing protection for workers in the government tourism sector coordinate to workers through unions and entrepreneurs in the Cooperation Institute Tri Partit which can give recommendation to the Government, especially to the Department of Trade and Industrial district of Samosir Regency.

#### V. ACKNOWLEDGEMENTS

Based on the explanation of the above conclusion then the advice formulated as follows:

1. Suggestion that the government of Samosir District can provide work training for tourism sector workers and produce professional workers.
2. That the meeting between workers through unions with employers and governments should be done routinely at least 3 times a year so that it can directly find solutions from the employment problems in Samosir Regency.

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