

IMPLEMENTATION OF LEGAL PROTECTION FOR OUTSOURCED LABOR OF KALI BARU PORT STEVEDORING SERVICES COOPERATIVE

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Abstract

The Kali Baru Port Stevedoring Services Cooperative (TKBM) is an entity responsible for providing loading and unloading labor at Tanjung Priok Port. Issues such as workplace safety, worker welfare, and social security remain significant challenges. The research questions are: How is legal protection implemented for outsourced workers from the Kali Baru Port Stevedoring Services Cooperative who work at PT New Priok Container Terminal One (NPCT I)? What obstacles are faced in implementing legal protection for outsourced workers of the Stevedoring Services Cooperative at PT New Priok Container Terminal One (NPCT I) Port, and what efforts are being made to overcome these obstacles? This study aims to understand and analyze the implementation of legal protection for outsourced workers from the Kali Baru Port Stevedoring Services Cooperative working at PT New Priok Container Terminal One (NPCT I), and to identify, examine, and analyze the obstacles encountered in providing legal protection for these outsourced workers at PT New Priok Container Terminal One (NPCT I) Port. The research methods employed are juridical normative and juridical empirical. The findings addressing the two research questions indicate that worker protection under the Manpower Law aims to safeguard the fundamental rights of workers. The legal protection in question refers to both preventive and repressive legal protection for outsourced workers. The obstacles to implementing legal protection for outsourced workers at the Kali Baru Port Stevedoring Services Cooperative at PT New Priok Container Terminal One (NPCT I) Port include: human resource competency and quality, working conditions and infrastructure, regulations and institutional frameworks, economic and welfare aspects, and Occupational Safety and Health (K3) awareness and culture. Efforts undertaken to overcome these obstacles include: improving competency and training, enhancing infrastructure and equipment, strengthening regulations and supervision, increasing inter-agency coordination, raising K3 awareness, and improving welfare.

Keywords : Legal Protection, Outsourcing, Stevedoring Labor

INTRODUCTION

The Joko Widodo-Ma'ruf Amin administration's breakthrough involved revising 79 laws through Law Number 11 of 2020 concerning Job Creation, which caused controversy from its inception due to its use of the omnibus law method. Although it was eventually declared conditionally unconstitutional by the Constitutional Court (MK) in a formal review, the government persevered and issued Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation, which was subsequently enacted as Law Number 6 of 2023 concerning Job Creation. Through this Job Creation Law, the government claims to have addressed various provisions deemed to hinder investment.

Deputy III of the Presidential Staff Office (KSP), Edy Priyono, stated that Law Number 6 of 2023 is intended to meet investment needs and logically supports investment, without neglecting worker/labor protection. Among the 10 clusters of the Job Creation Law, one pertains to manpower. It is stated that Law Number 6 of 2023 rectifies the regulations of Law Number 13 of 2003. At least six manpower provisions were improved by Law Number 6 of 2023:

Firstly, concerning fixed-term employment agreements (PKWT), Law Number 6 of 2023 mandates compensation payments for workers whose PKWT contracts expire. Previously, there was no compensation for PKWT workers whose contracts ended. "This is a new provision that favors workers/laborers and was not previously regulated," this was stated in a discussion themed: "Indonesia Moving Forward: Investor and Employer Protection Under Law No. 6 of 2023 on Ratification of Job Creation Regulation."

Secondly, regarding outsourced workers, Law Number 11 of 2020 seemed to grant unlimited freedom. This provision was rectified by Law Number 6 of 2023, where the government will stipulate which types of positions can utilize the outsourcing mechanism. The regulation of outsourcing is further governed by Government Regulation (PP) Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods, and Termination of Employment (PKWT-PHK), which is currently in the revision process. Law Number 6 of 2023 stipulates that outsourcing companies must be legal entities and possess a permit. Previously, it was only regulated that outsourcing companies must be legal entities. The obligation to be a legal entity and possess a permit is intended to protect workers.

Thirdly, Law Number 6 of 2023 improves wage provisions, including wage payments based on time units or output units. This covers fixed-term employment agreements, outsourcing, wages, protection from termination of employment, and severance compensation. These provisions aim to align with the needs and developments of wage dynamics. Regarding the minimum wage, there is an improvement in the calculation formula, which has been strengthened legally. Previously stipulated in PP Number 78 of 2015 concerning Wages, it is now included in Law Number 6 of 2023. Minimum wage variables have also been refined from previously being based on economic growth or inflation, as regulated by Law Number 11 of 2020, to now include economic growth, inflation, and a certain index as regulated by Law Number 6 of 2023. There is also an obligation for companies to establish a wage structure and scale that serves as a reference for wage increases for workers/laborers with more than one year of service.

Fourthly, there was a previous rule prohibiting workers/laborers from marrying their colleagues within the same company, or having a marital bond with a coworker, with the threat of employment termination (PHK). This provision no longer exists in Law Number 6 of 2023, thus providing protection to workers. Additionally, employers are given ease in carrying out PHK as they no longer need to await government approval but only need to notify the affected worker/laborer.

Fifthly, concerning severance pay, the amount of compensation is regulated through PP Number 35 of 2021, which explains the severance provisions previously regulated in Law Number 13 of 2003 concerning Manpower.

Sixthly, Law Number 6 of 2023 introduces a new social security scheme for worker protection, namely the Job Loss Guarantee (JKP). The government's hope is for a flexible labor market, and the government's duty is to create rules that must be obeyed. Essentially, employers are optimistic about Law Number 6 of 2023 because the wage issues regulated in Law Number 6 of 2023 significantly assist businesses, especially labor-intensive industries. The same applies to outsourcing regulations, but unfortunately, there have been changes in Law Number 6 of 2023, so the previous outsourcing rules will reappear.

The Constitutional Court has partially granted the lawsuit filed by the Labor Party and other petitioners regarding the Job Creation Law. As many as 21 articles have been amended based on the Constitutional Court's decision for case number 168/PUU-XXI/2023. Article 81 Paragraph (24) of the Job Creation Law, which amends Article 88, states that: "Every worker/laborer has the right to a decent livelihood for humanity." This decent livelihood includes minimum wage, wage structure and scale, overtime pay, and wages for absence due to certain reasons.

Basically, "buruh" (laborer), "pekerja" (worker), "tenaga kerja" (manpower), and "karyawan" (employee) are all similar terms, but in Indonesian culture, "buruh" is connoted as a low-ranking, manual laborer, and so on. Meanwhile, "pekerja," "tenaga kerja," and "karyawan" are higher designations for "buruh," and are generally given to "buruh" who use their intellect or mind rather than physical strength in their work. However, in general understanding, all four words essentially mean the same thing: worker. This is primarily referenced in Law Number 13 of 2003 concerning Manpower, which has been in effect since March 25, 2003, and applies generally to all workers and employers in Indonesia. Furthermore, the principle regarding the definition of "buruh" has been understood in two broad classifications:

1. Professional laborers, commonly referred to as "white-collar" workers, who use mental effort in their work.
2. Manual laborers, commonly referred to as "blue-collar" workers, who use physical strength in their work.

Generally, a worker/laborer is anyone who works and receives wages or other forms of compensation. Based on this understanding, some people do not wish to be called "buruh," because in society, "buruh" refers to people working in "manual" areas like construction workers or factory workers. Meanwhile, "karyawan" is identified with someone working in an office setting, and "pegawai" is assumed to be someone working within government institutions.

A worker is generally understood as someone who works for a company or institution, is assigned tasks, and receives wages as compensation. This existing assumption has been prevalent in society for a long time, making an "employee" or a "karyawan" unwilling to be called "buruh," let alone "kuli," who are assumed to be individuals working as manual laborers in markets, ports, shopping centers, or terminals.

In principle, there is no difference between "buruh," "pekerja," "karyawan," "pegawai," and "kuli," although in common understanding, a difference in terminology does exist. However, all these terms fundamentally share the same principle: anyone who works and receives wages or compensation. Therefore, there is no strong reason to claim a difference in terms of degree, prestige, or status. In principle, the conceptual difference between "buruh" and "karyawan" in terms may have been intentionally created by the general public who do not want the power of office workers to be perceived as higher in status than factory workers or manual laborers.

1. Article 1, paragraph 3 of Law Number 13 of 2003 concerning Manpower states that a

worker or laborer is anyone who works and receives wages or other forms of compensation. This definition is somewhat general but broader in meaning as it can include anyone working for any individual, partnership, or legal entity, receiving wages or other forms of compensation. This emphasis on "other forms of compensation" is necessary because wages have historically been synonymous with money, even though some laborers or workers receive compensation in goods (Husni, 2014).

2. To implement worker protection, the government has enacted Law Number 13 of 2003 concerning Manpower. This is intended to guarantee the fundamental rights of workers and ensure equal opportunities and treatment without discrimination on any basis to realize the welfare of workers and their families. Several articles in Law Number 13 of 2003 concerning Manpower that serve as benchmarks for providing legal protection to workers are Article 77 to Article 85 concerning Working Hours, Article 86 to Article 87 concerning Occupational Safety and Health, Article 88 to Article 98 concerning Wages, and Article 99 to Article 101 concerning Welfare. Worker protection is also stipulated in Article 28D paragraph 2 of the 1945 Constitution and Article 38 paragraphs (1), (2), (3), and (4) of Law Number 39 of 1999 concerning Human Rights (Nuryanti, 2006).

The issue of worker protection is not new. Worker protection comprises three important components:

1. Economic Protection: Efforts to provide workers with sufficient income to meet their daily needs and those of their families, including when they are unable to work due to circumstances beyond their control. This protection is referred to as social security.
2. Social Protection: Protection related to community efforts aimed at enabling workers to experience and develop their lives as human beings in general, and as members of society and family. This protection is referred to as occupational health.
3. Technical Protection: Protection related to efforts to safeguard workers from accident hazards due to their work, resulting from the processing of materials involved in the job. This protection is referred to as occupational safety.

According to Imam Soepomo, these protection components also serve as a reference for assessing the extent to which regulatory aspects touch upon the essence of worker protection (Whohon, 2014).

Tanjung Priok Port is Indonesia's main port, serving as the primary gateway for international and domestic cargo traffic. In the port's loading and unloading processes, stevedoring labor plays a vital role. They are at the forefront of ensuring the smooth flow of goods entering and exiting the port. Therefore, legal protection for stevedoring labor is extremely important.

The Kali Baru Port Stevedoring Services Cooperative (TKBM) is one of the entities responsible for providing stevedoring labor at Tanjung Priok Port. This cooperative collaborates with PT. NPCT 1 (New Priok Container Terminal One) to ensure the availability of reliable and professional labor.

Law Number 13 of 2003 concerning Manpower and other relevant regulations have provided the legal basis for worker protection in Indonesia. However, the implementation of these regulations often does not proceed as it should. This gives rise to various problems that require special attention, particularly in the context of stevedoring labor at the port.

RESEARCH METHODS

The research approach used in this study combines both normative juridical and empirical juridical methods. This approach is employed to analyze the Implementation of Legal Protection for Stevedoring Labor of the Kalibaru Port Stevedoring Services Cooperative at PT. NPCT 1 Tanjung Priok Port, referencing Law Number 13 of 2003 concerning Manpower and its implementing regulations.

This study utilizes a descriptive analytical approach to gain an in-depth understanding of the implementation of legal protection for stevedoring labor by the Stevedoring Services Cooperative at Kalibaru Port and the role of PT. NPCT 1 at Tanjung Priok Port. This approach allows the author to explain complex phenomena and understand the context holistically.

To address the legal issues in this research, data was gathered through primary data and secondary data.

The data collection techniques and tools used in this study include:

- a. Interviews: In-depth interviews with a structured topic guide to obtain relevant and detailed information from respondents. Interviews were conducted with: 1) Stevedoring Labor: Including active stevedores working at Kalibaru Port. 2) Management of the Stevedoring Services Cooperative: Consisting of cooperative board members responsible for stevedoring labor management. 3) PT. NPCT 1 Management: Involving managers and relevant staff engaged in coordination with the cooperative and labor management at the port.
- b. Observation: Direct field observation to understand the legal protection practices carried out by the cooperative and the company.
- c. Document Study: Analysis of regulatory documents, cooperative reports, company regulations, and relevant literature to support findings from primary data.

To answer the research questions, a researcher definitely needs research materials to then also provide the necessary prescriptions. There are two types of research material sources: primary and secondary. This study uses qualitative data analysis techniques.

RESULT AND DISCUSSION

Implementation of Legal Protection for Outsourced Workers of Kali Baru Port Stevedoring Services Cooperative at PT New Priok Container Terminal One (NPCT 1)

PT New Priok Container Terminal One (NPCT 1) is a company operating in the logistics services and container terminal management sector at Tanjung Priok Port, Jakarta, Indonesia. This company was established as part of efforts to modernize and increase the capacity of Tanjung Priok Port to support national economic growth. With the presence of NPCT 1, logistics distribution in Indonesia is expected to become more efficient and competitive in the global market.

The primary objective of NPCT 1 is to provide world-class container terminal services capable of handling large international standard vessels. Its mission is to:

1. Increase operational efficiency at Tanjung Priok Port.
2. Provide fast, secure, and reliable logistics services.
3. Support the development of Indonesia's international trade sector.
4. Implement cutting-edge technology to support operational activities.

NPCT 1 is equipped with modern facilities and advanced technology to support its operations. Some key facilities include:

1. Modern Quay: It has an 850-meter-long quay capable of accommodating vessels with capacities up to 8,000 TEUs (Twenty-foot Equivalent Units).
2. Advanced Loading and Unloading Equipment: Equipped with Ship-to-Shore (STS) Cranes, Rubber Tyred Gantry (RTG) Cranes, and other equipment to accelerate the loading and unloading process.
3. Warehouses and Stacking Yards: Extensive container stacking areas integrated with modern logistics management systems.
4. Integrated IT System: An information technology-based terminal management system that facilitates real-time tracking and management of goods.

Stevedoring labor at PT New Priok Container Terminal One (NPCT 1) is one of the main pillars supporting the company's operations. Here's an explanation of stevedoring labor at NPCT 1:

1. **Qualifications and Training:** a. All stevedoring personnel at NPCT 1 undergo a strict selection process to ensure their skills and qualifications meet company standards. b. Workers receive specialized training, including operating heavy equipment such as STS Cranes and RTG Cranes, occupational safety, and using modern technological systems.
2. **Supporting Technology:** a. Workers are supported by automation technology that helps increase efficiency and accuracy in the loading and unloading process. b. The use of terminal management software facilitates workers in managing logistics flows, such as container placement and cargo tracking.
3. **Security and Safety:** a. NPCT 1 places great importance on the safety of stevedoring personnel. Strict security protocols are implemented, including the use of personal protective equipment (PPE) and risk mitigation training. b. CCTV-based monitoring systems and workplace supervision ensure overall operational security.
4. **Productivity and Collaboration:** a. Stevedoring personnel work in organized teams to ensure every process runs smoothly and on schedule. b. Collaboration between heavy equipment operators and field staff is key to achieving daily operational targets.
5. **Welfare Improvement:** a. NPCT 1 is committed to improving the welfare of its workforce by providing health facilities, work insurance, and skill development training programs. b. A transparent work system and performance-based incentives help motivate the workforce.

NPCT 1 has several advantages that make it one of Indonesia's leading container terminals:

1. **Operational Efficiency:** By utilizing modern technology, NPCT 1 can minimize vessel waiting times and increase terminal throughput.
2. **Strategic Location:** Situated in Tanjung Priok Port, which is Indonesia's main gateway for international trade.
3. **International Standards:** All operations are conducted in accordance with international standards to ensure safety and service quality.
4. **Professional Human Resources:** NPCT 1 is supported by a trained and experienced workforce in logistics and port operations.

The existence of NPCT 1 has a positive impact on the national economy, including:

1. **Increased Logistics Efficiency:** Accelerating the distribution of goods domestically and internationally.
2. **Support for Export-Import Growth:** With its large capacity, NPCT 1 can handle more export-import activities.
3. **Job Creation:** Providing employment opportunities for the local community and the national workforce.
4. **Reduced Logistics Costs:** The efficiency generated helps lower national logistics costs, thereby increasing the competitiveness of Indonesian products in the international market.

NPCT 1 collaborates with various parties to support its operational sustainability. Key partners include:

1. **Indonesian Government:** As a regulator and facilitator of port infrastructure development.
2. **Shipping Companies:** To ensure smooth loading and unloading operations.
3. **Private Sector:** In the procurement of technology and facility management.
4. **Local Community:** Through Corporate Social Responsibility (CSR) programs.

As part of the national logistics ecosystem, NPCT 1 faces several challenges, such as:

1. **Regional Competition:** With other major ports in Southeast Asia.
2. **Ever-Evolving Technology:** Requires continuous investment to remain competitive.
3. **Regulations and Policies:** Requires adjustments to national and international policies.

However, NPCT 1's future prospects remain bright, considering:

4. Increased Trade Volume: Stable Indonesian economic growth drives increased trade activity.
5. Operational Digitalization: The implementation of digital technology will further increase efficiency.
6. Infrastructure Development: Government plans to continue developing port infrastructure provide significant opportunities for NPCT 1.

NPCT 1 is also committed to environmental sustainability by implementing eco-friendly principles, such as:

1. Use of Renewable Energy: Utilizing cleaner energy sources.
2. Waste Management: Responsibly managing operational waste.
3. Energy Efficiency: Reducing energy consumption through the use of energy-saving technology.

PT New Priok Container Terminal One (NPCT 1) is a tangible example of how port modernization can support economic growth and international trade. With state-of-the-art facilities, a professional workforce, and a commitment to sustainability, NPCT 1 is poised to be a key player in the global logistics system. This company not only contributes to the national economy but also plays an important part in realizing Indonesia's vision as a strong maritime nation.

Regarding legal protection for outsourced workers of the Kali Baru Port Stevedoring Services Cooperative working at PT New Priok Container Terminal One (NPCT 1), worker protection under the Manpower Law is protection aimed at safeguarding the fundamental rights of workers. According to Abdul Khakim, the purpose of worker protection is to ensure a harmonious employment relationship system without pressure from the stronger party on the weaker party (Khakim, 2009).

Law No. 13 of 2003 states that the scope of worker protection is as follows:

1. Protection of workers'/laborers' fundamental rights to negotiate with employers.
2. Protection of worker safety and health.
3. Special protection for female workers or laborers.
4. Protection concerning wages, welfare, and social security for workers.

Protection regarding the fundamental rights of workers/laborers to negotiate with employers means that termination of employment (PHK) is a highly feared event by workers/laborers because it can significantly impact their ability to meet daily needs. Therefore, employers should not arbitrarily terminate employment, especially considering the current increasing difficulty in finding jobs. Before terminating employment, it should be thoroughly discussed by the employer and the worker/laborer to avoid such termination. If negotiations are unsuccessful and termination cannot be avoided, both parties, the employer and the worker/laborer, can notify the manpower agency to resolve the termination. Even if PHK is unavoidable, the rights of each party should be fulfilled, especially the rights of workers/laborers affected by the termination.

The legal protection referred to here is both preventive and repressive legal protection for outsourced workers. Preventive legal protection, in this context, means the protection of the normative rights of outsourced workers provided by the state (government) through legal regulations in legislation. Repressive legal protection, on the other hand, means the protection of the normative rights of outsourced workers to defend or assert their rights when a dispute arises in their employment relationship with the employer (outsourcing company) to obtain a fair legal resolution.

This concept of legal protection stems from the fundamental idea that, in principle, the position of workers in an employment relationship is weaker compared to employers or companies, which have a stronger bargaining position. Therefore, there is a need for legal

protection from the state, in this case the government, through legal regulations in legislation, so that justice, as the goal of law, and justice for outsourced workers can be realized in a society, nation, and state based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The implementation of legal protection for outsourced workers at the Stevedoring Services Cooperative (TKBM) at PT New Priok Container Terminal One (NPCT I) related to the Social Security Administering Body (BPJS) Ketenagakerjaan is a very important aspect in ensuring the welfare and rights of workers are fulfilled.

As workers who are part of a cooperative, outsourced workers in the stevedoring sector have the right to receive social protection as regulated in Law Number 24 of 2011 concerning the Social Security Administering Body and other derivative regulations that govern the employer's obligation to enroll workers in social security programs. This obligation includes protection in the form of work accident insurance, old age security, pension benefits, and death benefits.

In the context of the stevedoring workers' cooperative at NPCT I, legal protection for outsourced workers should be guaranteed through a work agreement made between the cooperative, as the labor service provider, and the service user company, in this case PT NPCT I. This work agreement must include the cooperative's obligation to register its workers in the BPJS Ketenagakerjaan program to provide adequate social protection.

Obstacles Faced by the Kali Baru Port Stevedoring Services Cooperative as an Outsourcing Labor Provider in Protecting its Workers

One of the elements that supports the smooth flow of goods in the Tanjung Priok Port area is the Kali Baru Port Stevedoring Services Cooperative. This cooperative, which has existed since Kali Baru was still a wooden port years ago, now has approximately 950 TKBM (Stevedoring Labor) members. Currently, the Cooperative operates at two locations: Bahandle Graha Segara and the NPCT-1 container handling operations. The work pattern is divided fifty-fifty with the Tanjung Priok Port TKBM Cooperative.

As a labor mobilization entity, its commitment to continuously maintaining and improving productivity and occupational safety is consistently upheld. In addition, workers' rights are also fully implemented, such as minimum wages in accordance with the provincial minimum wage (UMP) and workers' inclusion in the Jamsostek program.

One of the measures taken to maintain Occupational Safety and Health (K3) is that every working member on site must follow certain steps beforehand, including attendance at the cooperative, attending briefings led by the management (which is also a worker SOP to understand issues in the field), wearing standard safety work attire provided, praying according to their respective faiths, and ensuring that the supervisor confirms all workers are ready to begin work.

Administratively, the Kali Baru TKBM Cooperative continuously strives to consistently produce detailed reports on the work performed by TKBM and submits them periodically to the terminal authority. As a form of service to its members, the cooperative is equipped with operational shuttle vehicles to transport TKBM to and from the terminal. These minibuses have a capacity of 31 people and are of the latest manufacturer models.

The Stevedoring Labor Cooperative at the Port has a Loading and Unloading Services Provider Business Unit (UUPJ TKBM). UUPJ TKBM is an organic unit under the Stevedoring Labor Cooperative that provides stevedoring services to facilitate the smooth flow of goods at the port terminal.

Its activities include:

1. Operation Administration, consisting of:
 - a. Registration of Stevedoring Labor (TKBM).
 - b. Grouping of Stevedoring Labor (TKBM) into work teams.

- c. Providing Stevedoring Labor (TKBM).
 - d. Arranging work shifts for Stevedoring Labor (TKBM) by considering input from service users.
- 2. Protection and Welfare Services, consisting of:
 - a. Provision of transportation.
 - b. Provision of work clothes and shoes, safety helmets, gloves, and masks.
 - c. Social security (work accident insurance, death benefits, old age benefits, and health maintenance for workers and their families).
 - d. Holiday Allowance (THR).
 - e. Education and training.
 - f. Housing allowance.

In carrying out its supervision, the Stevedoring Labor Cooperative appoints supervisory officers to oversee the Stevedoring Labor from the moment they enter the handover area and throughout their time at the work site, during the implementation of loading and unloading work until its completion. This supervision is conducted in collaboration with the Stevedoring Company (PBM) / Service User.

Kalibaru Port is one of the important ports in Indonesia, functioning as a gateway for international trade. In its operations, this port employs many stevedoring workers who play a crucial role in the smooth distribution of goods. One of the companies operating at Kalibaru Port is PT New Priok Container Terminal One (NPCT 1).

Roles and Responsibilities of Stevedoring Labor:

- 1. Cargo Handling
 - a. Handling container loading and unloading activities from ship to shore or vice versa.
 - b. Operating heavy equipment such as cranes, forklifts, and reach stackers.
- 2. Cargo Inspection
 - a. Ensuring loaded or unloaded goods match the documented items.
 - b. Reporting damaged or missing goods to relevant parties.
- 3. Cargo Security
 - a. Ensuring the safety and security of goods during the loading and unloading process.
 - b. Maintaining cleanliness and order in the work area.
- 4. Education
 - a. Minimum high school graduate or equivalent.
 - b. Possession of skill certifications in heavy equipment operation (if required).
- 5. Skills
 - a. Understanding of occupational safety procedures.
 - b. Ability to work in a team and possess good communication.
- 6. Work Experience: Experience in loading and unloading or logistics is an added value.

Challenges and Solutions in Work:

- 1. Challenges
 - a. Adverse weather that can hinder loading and unloading processes.
 - b. Risk of work accidents due to the use of heavy equipment.
 - c. Work pressure due to tight time targets.
- 2. Solutions
 - a. Providing regular occupational safety training.
 - b. Using personal protective equipment (PPE) during work.
 - c. Implementing technology to improve work efficiency.

Issues Faced by Stevedoring Labor at NPCT 1:

- 1. Uncertainty of Employment Status. Many workers are employed under contract or outsourcing status, lacking long-term job security.

2. Lack of Supporting Facilities. Some workers complain about inadequate rest facilities and other basic needs in the port area.

Stevedoring labor plays a strategic role in maintaining the smooth flow of goods, both domestic and international. With high productivity, they contribute to Indonesia's competitiveness in the global market.

Stevedoring labor at Kalibaru Port, especially those working at NPCT 1, are vital elements in port operations. With the support of adequate training, technology, and facilities, they can continue to make a maximum contribution to the national economy.

The Kali Baru Port Stevedoring Services Cooperative (TKBM) plays an important role in the port's loading and unloading activities.

Roles and Functions of Kalibaru TKBM Cooperative:

1. Provider of Stevedoring Labor: This cooperative provides labor for loading and unloading activities at Kalibaru Port, both at Bahandle Graha Segara and NPCT-1.
2. Supervision and Protection of TKBM: The cooperative is responsible for supervising and protecting the rights of its members (TKBM) while working at the port. This supervision is carried out from the moment TKBM enters the work area until they complete their tasks, in cooperation with the Stevedoring Company (PBM) or service users.
3. Maintaining Smooth Cargo Flow: The Kalibaru TKBM Cooperative also plays a role in maintaining and stabilizing the smooth flow of loading and unloading cargo in the Kalibaru Port area.
4. Reporting and Accountability: The Kalibaru TKBM Cooperative consistently strives to produce detailed reports on TKBM performance and submits them periodically to the terminal authority. This is appreciated by the terminal authority.

The activities of the TKBM Cooperative are governed by laws and regulations, including the possibility of having a TKBM services provider business unit. In carrying out loading and unloading activities, the TKBM Cooperative collaborates with various parties, including PBMs and service users. In fact, if a TKBM Cooperative has not yet been formed, loading and unloading activities can be carried out directly between TKBM and the loading and unloading implementer through a work agreement. The Kalibaru TKBM Cooperative regularly holds Annual Member Meetings (RAT) to discuss various matters related to the cooperative's performance, services to service users, and other internal matters. This aims to optimize services and maintain the stability of cargo flow.

The Kali Baru Port Stevedoring Services Cooperative plays a vital role in the operations of Kali Baru Port. Through the provision of labor, supervision, and good coordination with various parties, the Kali Baru TKBM Cooperative contributes to maintaining the smoothness and efficiency of loading and unloading activities at the port.

There are several obstacles faced by the Kali Baru Port Stevedoring Services Cooperative as an outsourced labor provider in providing protection for its workers. These obstacles are as follows:

1. Obstacles Related to Human Resource Competency and Quality:
 - a. Limited Specific Skills: Modern loading and unloading systems, especially with containerization, require more skilled and specialized human resources in equipment operation. If the TKBM lacks adequate skills, the risk of work accidents increases, and protection becomes difficult to implement.
 - b. Lack of Training and Certification: There are still TKBM members who have not had experience participating in loading and unloading training, which impacts their knowledge and expertise. A lack of continuous training and certification can hinder the improvement of competency and the application of occupational safety standards.
2. Obstacles Related to Working Conditions and Infrastructure:
 - a. High Potential for Work Accident Risk: The working environment in ports,

- especially in loading and unloading activities, has a high potential for work accidents. This is exacerbated if the equipment used is inadequate or not well-maintained.
- b. Working Environment Conditions: Harsh and heavy working environmental conditions, such as extreme weather, noise, and dust, can affect the health and safety of TKBM.
3. Obstacles Related to Regulations and Institutions:
 - a. Differing Interpretation and Implementation of Regulations: Differences in the interpretation and implementation of regulations related to manpower and K3 (Occupational Safety and Health) among various parties (Cooperative, PBM, service users, and government) can create problems in TKBM protection.
 - b. Inter-Agency Coordination: A lack of effective coordination among relevant agencies, such as the Manpower Office, Port Authority, and other related parties, can hinder the supervision and enforcement of laws related to TKBM protection.
 - c. Potential Disputes Between Cooperatives: Although not specifically discussing Kalibaru, cases of disputes between stevedoring cooperatives in Nunukan illustrate potential problems that can arise and impact the welfare and protection of TKBM.
 4. Obstacles Related to Economic Aspects and Welfare:
 - a. Wages and Social Security: Issues related to decent wages and adequate social security (such as BPJS Ketenagakerjaan and BPJS Kesehatan) are often critical issues in TKBM protection. In the obligation of employers to register workers in the BPJS Ketenagakerjaan program, in practice, there are often still obstacles in the field. Some common obstacles include:
 - 1) Lack of Employer Awareness and Compliance: Some cooperatives or service user companies may not fully understand or comply with regulations related to BPJS Ketenagakerjaan. This could be due to additional costs that must be incurred or a lack of government oversight.
 - 2) Unclear Worker Status: Some outsourced workers in the stevedoring sector are often employed with unclear status, both in terms of employment relationship and contract duration. This can lead to uncertainty in their registration as BPJS Ketenagakerjaan participants.
 - 3) Lack of Supervision and Law Enforcement: Although regulations clearly stipulate employer obligations, supervision by authorized parties is sometimes still weak, leading to some companies or cooperatives not fulfilling their obligations without being subjected to strict sanctions.
 - b. Daily/Piece-Rate Work System: The daily or piece-rate work system commonly applied in loading and unloading activities can make TKBM protection more difficult, especially regarding social security and job security.
 5. Obstacles Related to K3 Awareness and Culture:
 - a. Still Low K3 Awareness: Awareness of the importance of K3 among TKBM and related parties is sometimes still low. This can lead to a lack of compliance with safety procedures and the use of PPE (Personal Protective Equipment).
 - b. Work Culture That Does Not Support K3: A work culture that prioritizes speed and targets sometimes disregards occupational safety aspects.
- To overcome these obstacles, comprehensive efforts from various parties are needed, including:
1. Improving Competency and Training: Enhancing TKBM competency through structured and continuous training, as well as recognized certifications.
 2. Improving Infrastructure and Equipment: Ensuring the availability of adequate and well-maintained infrastructure and equipment.
 3. Strengthening Regulations and Supervision: Strengthening regulations related to

manpower and K3, as well as increasing supervision and law enforcement.

4. Improving Inter-Agency Coordination: Enhancing coordination among relevant agencies to ensure effective and efficient implementation of regulations.
5. Increasing K3 Awareness: Raising K3 awareness through continuous socialization, training, and campaigns.
6. Improving Welfare: Ensuring decent wages and adequate social security for TKBM.

For legal protection for outsourced workers in the NPCT I Port TKBM cooperative to function well, concrete steps are needed, such as stricter supervision from the Manpower Office, socialization to workers about their right to social security, and increased transparency in the employment relationship between the cooperative and the service user company.

With the presence of BPJS Ketenagakerjaan protection, stevedoring workers, who belong to the vulnerable worker group, can receive assurance in the event of a work accident, thereby minimizing the risk of losing their livelihood due to accidents. Additionally, other benefits such as old age security and pension benefits can help workers have economic certainty in the future. Therefore, the implementation of BPJS Ketenagakerjaan in the outsourcing work system in stevedoring workers' cooperatives must be a priority that is strictly supervised by relevant parties.

CONCLUSIONS

The implementation of legal protection for outsourced workers of the Kali Baru Port Stevedoring Services Cooperative at PT New Priok Container Terminal One (NPCT I) affirms that worker protection under the Manpower Law aims to safeguard the fundamental rights of workers. The legal protection intended here encompasses both preventive and repressive legal protection for outsourced workers. Regulations for outsourced worker protection are based on the concept of Pancasila justice, with legal provisions designed to nurture the nation by passively (negatively) preventing arbitrary actions. Currently, outsourced labor is limited to five categories: cleaning, security, transportation, catering, and mining experts. In the context of the stevedoring services cooperative at NPCT I, legal protection for outsourced workers should be guaranteed through a work agreement between the cooperative, as the labor service provider, and the service-user company, PT NPCT I. This agreement must stipulate the cooperative's obligation to register workers in the BPJS Ketenagakerjaan program to provide adequate social protection.

The obstacles faced in implementing legal protection for outsourced workers of the Stevedoring Services Cooperative at PT New Priok Container Terminal One (NPCT I) Port, and the efforts made to overcome these obstacles, are as follows: Human Resources Competency and Quality; Working Conditions and Infrastructure; Regulation and Institutional Framework d. Economic and Welfare Aspects e. Occupational Safety and Health (K3) Awareness and Culture.

To overcome these obstacles, comprehensive efforts from various parties are required, including: Improving Competency and Training; Enhancing Infrastructure and Equipment; Strengthening Regulation and Supervision; Increasing Inter-Agency Coordination; Boosting K3 Awareness f. Improving Welfare.

Furthermore, regarding BPJS Ketenagakerjaan protection, stevedoring workers, who are considered a vulnerable group, can receive assurance in case of work accidents, thereby minimizing the risk of losing their livelihood due to accidents. Other benefits, such as old-age security and pension benefits, can help workers achieve future economic certainty. Therefore, the implementation of BPJS Ketenagakerjaan within the outsourced labor system of stevedoring services cooperatives must be a priority that is strictly monitored by relevant parties.

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