

## Employment Law Counseling for Lecturers and Staff at Wira Bhakti Singaraja High School

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### Abstract

*This Community Service aims to improve legal knowledge for teachers and employees at SMA Wira Bhakti Singaraja, especially regarding employment. Community Service is carried out at SMA Wira Bhakti Singaraja. The location of the service was chosen deliberately, on the grounds that SMA Wira Bhakti Singaraja is one of the private schools where teachers and employees receive legal protection based on Law Number 13 of 2003 concerning Employment (Labor Law). The target audience for this Community Service activity is teachers and employees at SMA Wira Bhakti Singaraja, totaling 15 people. 12 teachers and 3 employees. In this Community Service, data is analyzed using qualitative analysis, namely the data and facts found will be described. The results obtained from the community service activities of labor law counseling for teachers and employees at SMA Wira Bhakti Singaraja are the increase in insight and knowledge of counseling participants regarding aspects of labor law and mechanisms for resolving industrial relations disputes. With this counseling, teachers and employees can understand their rights and obligations protected by the Manpower Act. So with this understanding, industrial relations can be implemented properly.*

### INTRODUCTION

Wira Bhakti Singaraja High School is an educational unit at the upper secondary level located in Sawan Village, Sawan District, Buleleng Regency. It was established on January 1 1990 based on Establishment Decree Number: 009/C/KEP/I/1990. Wira Bhakti Singaraja High School has an area of 1,470 m<sup>2</sup>, the school provides free internet access to its students. Currently, the number of teachers and staff serving at Wira Bhakti Singaraja High School is 15 people.

The Bali Province Proclamation Service Foundation (YKP) is the institution that oversees Wira Bhakti Singaraja High School. YKP was founded by Balinese freedom fighters and the Bali Provincial Government. As an institution that upholds national values, YKP consistently promotes the Soul, Spirit and Values of 1945 (JSN 45) including in the field of education. The implementation of JSN 45 can be seen from YKP's work ethic, namely (1) National hero icon I Gusti Ngurah Rai, (2) National Inspiration, and (3) Idol of the small community.

As an institution under the auspices of YKP, Wira Bhakti Singaraja High School has its own challenges in carrying out the educational process. The biggest challenge is of course financial problems. Denouncing the institution

as an idol for the small community has the consequence that Wira Bhakti Singaraja High School cannot arbitrarily determine the amount of tuition fees for its students. Everything must be considered based on the capabilities of people with lower middle-class qualifications.

Private schools rely heavily on their students' tuition fees to support school activities. Wira Bhakti Singaraja High School must make wise decisions regarding finances. So this decision is truly efficient. However, some basic things do require definite and unavoidable expenses. For example, school facilities and infrastructure, teacher salaries, employee salaries, religious ceremonies, and so on.

Specifically speaking about the salaries of teachers and employees, it is automatically related to the rights and obligations of these teachers and employees. As educators and educational staff in private schools, their rights are regulated in Law Number 13 of 2003 concerning Employment. In other words, this law provides legal protection for teachers and employees in private schools regarding their rights and obligations.

Analysis of the situation that occurred at Wira Bhakti Singaraja High School shows that one of the biggest challenges at the school is

financial problems. On the one hand, we want to do good for society, on the other hand we have to tighten our belts in financial matters. This includes the income of teachers and employees. However, teachers and employees must understand the legal aspects related to their rights and obligations. So empirically, the policies taken do not deviate much from statutory regulations, especially regarding employment. This also includes if there is a disagreement regarding these rights and obligations, which in legal science is called an industrial relations dispute.

### **IMPLEMENTATION METHOD**

This Community Service is carried out at Wira Bhakti Singaraja High School. The choice of service location was chosen deliberately, for the following reasons: (1) Wira Bhakti Singaraja High School is a private school where teachers and employees receive legal protection based on Law Number 13 of 2003 concerning Manpower; and (2) Wira Bhakti Singaraja High School has big challenges in the financial sector which greatly affect the rights and obligations of teachers and employees at the school. The target audience for this Community Service activity is 15 teachers and employees at Wira Bhakti Singaraja High School. 12 teachers and 3 employees.

In an effort to provide understanding to teachers and employees at Wira Bhakti Singaraja High School, labor law education was carried out. So, teaching and education staff understand the juridical aspects regarding their rights and obligations. The data is analyzed using qualitative analysis, namely the data and facts found will be described. Next, it will be studied based on existing references or based on logic.

### **RESULTS AND DISCUSSION**

This community service activity is basically to provide understanding to teachers and employees at Wira Bhakti Singaraja High School about the importance of knowledge regarding their rights and obligations as workers.

The community service implementation team conducted counseling on December 16 2024. The resource person's presentation of material lasted for 60 minutes followed by discussion. The service participants seemed enthusiastic about taking part in this counseling, this can be seen from the participants' responses during the discussion. Overall, the counseling lasted approximately 150 minutes.

The counseling process went smoothly. The school received the service implementation team well. It seems that the school has prepared carefully for this activity. The room for counseling and all supporting facilities are neatly prepared. Even with limited conditions and operations, the school is very enthusiastic about participating in this outreach activity.

In his speech, the Principal of Wira Bhakti High School explained the current situation and conditions of the school. The most emphasized thing is the number of students. Currently the number of students at Wira Bhakti Singaraja High School is only 8 people. 5 people in class 12 and 3 people in class 11. For class 10, Wira Bhakti High School has no students or in other words, in the new student intake for the 2024/2025 academic year, not a single person registered at this school. The low number of students certainly has an impact on institutional finances. As a private school, this school is very dependent on student numbers. The more students, the more income you get, and vice versa.

Regarding school fees (SPP), students are not charged per month. But per day it is ten thousand rupiah. Currently, to meet all expenses, including salaries for teachers and employees, they still rely on tuition fees from students, the amount of which is very small. BOS funds are used properly in accordance with applicable regulations. The Proclamation Service Foundation as the organizing body that oversees Wira Bhakti Singaraja High School seems to be implementing a financial system that completely delegates financial affairs to the units below it. This means that SMA Wira Bhakti Singaraja

independently manages its finances which also include the institution's income and expenses.

After the principal delivered his speech and explained the current condition of the school, the implementation team then presented the material. The material starts with basic matters, such as: legal protection for teachers and employees in private schools, private teachers who are subject to employment regulations, as well as the basics of employment law.

Teachers at private schools can be classified as workers or workers who are protected by labor regulations. Chapter 1 number 3 Law Number 13 of 2003 concerning Employment (Employment Law) states "A worker/laborer is anyone who works and receives wages or other forms of compensation" Furthermore, Article 40 paragraph (1) letter a Law Number 20 of 2003 concerning the National Education System, it is said that "*One of the rights of teachers (educators) is to obtain appropriate and adequate income and social welfare guarantees.*" Because teachers are also people who work and receive wages (or compensation in other forms), teachers are also workers/laborers and are subject to labor regulations. This argument only applies to teachers who work in educational units run by the community (private). For teachers who work in educational units run by the government, these teachers are classified as Civil Servants (PNS) or State Civil Servants (ASN), so labor regulations do not apply to these teachers, because what applies is that Law Number 8 of 1974 as amended by Law Number 43 of 1999 concerning Amendments to Law Number 8 of 1974 concerning Personnel Principles.

As a workforce, teachers and officials in private schools have rights protected by the Labor Law. These rights include the following.

- a. The right to fair wages. The real wage is a manifestation or compensation for the results of his work. Every person who works has the right to receive fair wages, namely wages that are proportional to the energy he has contributed to work.
- b. The right to associate and assemble. In order for workers to be able to fight for their interests, especially for fair wages, they must recognize and guarantee their rights to unionize and assemble. They must be guaranteed the right to form a trade union whose aim is to unite and fight for the rights and interests of all its members. Through mergers and unions, their position is strengthened and their natural rights can be given greater attention, which in turn means that their rights can be better guaranteed.
- c. The right to safety and health protection. The basis and right to protection of occupational security, safety and health is the right to life that every human being or nationality has. This guarantee is absolute and necessary from the start as an integral part of a company's policies and operations.
- d. The right to legal processing. This right especially applies when a worker is accused and threatened with certain penalties for allegedly committing certain violations or misconduct. He must be given the opportunity to prove whether he made a mistake as alleged or not.
- e. The right to be treated equally. This means that there must be no discrimination within the company whether based on skin color, gender, ethnicity, religion, and the like, whether in attitude and treatment, salary, or opportunities for positions, training or further education.
- f. The right to personal secrets. Even though the company has certain rights to know the curriculum vitae and certain personal data of each employee, employees have the right to keep their personal data confidential. Even companies must accept that there are certain things that the company should not know and that employees want to keep confidential. Meanwhile, labor obligations according to the Employment Law are as follows.
- a. Article 102 paragraph (2): In carrying out industrial relations, workers and trade unions have the function of carrying out work in accordance with their obligations,

maintaining order for the continuity of production, channeling aspirations in a democratic manner, developing their skills and expertise as well as participating in advancing the company and fighting for the welfare of members and their families.

- b. Article 126 paragraph (1): Employers, trade unions and workers are obliged to implement the provisions in the collective work agreement.
- c. Article 126 paragraph (2): Employers and labor unions are obliged to notify all workers of the contents of the collective work agreement or any changes thereto.
- d. Article 136 paragraph (1): Settlement of industrial relations disputes must be carried out by employers and workers or trade unions through deliberation to reach a consensus.
- e. Article 140 paragraph (1): At least 7 (seven) working days before the strike is held, workers and trade unions are obliged to notify employers and agencies responsible for local employment in writing.

Labor law regulates all matters relating to labor before, during and after work. In the Manpower Law, it is stated that the aim of establishing labor law is to empower and utilize the workforce optimally and humanely, to realize equal employment opportunities and provide labor in accordance with national and regional development needs, to provide protection to workers in realizing prosperity, to improve the welfare of workers and their families.

After talking about basic matters regarding employment law, this counseling also discusses Work Agreements, Certain Time Work Agreements (PKWT), and Indefinite Time Work Agreements (PKWTT). In a work agreement there are 4 principles that differentiate it from other agreements, especially from agreements to provide services or agreements to carry out certain work and from contracts to contract work. These four principles are: there is an element of work, there is an element of orders, there is a certain time, there is

an element of wages. Specific Time Work Agreements are one-off or temporary, estimated to be completed within a short period of time, are seasonal, and relate to new products, new activities or additional products that are still under trial or exploration. Meanwhile, an Indefinite Term Work Agreement can require a work trial period of a maximum of 3 (three) months, and during this trial period employers are prohibited from paying wages below the applicable minimum wage. If the trial period has passed, the worker/laborer immediately becomes a permanent worker.

In connection with disputes between workers and employers or what are commonly called industrial relations disputes, the service implementation team briefly explained the dispute resolution mechanism. In general, the resolution of disputes or disputes between workers and employers is based on the principle of deliberation to obtain agreement/consensus (vide Article 136 paragraph 1 of Law No. 13 of 2003 concerning Employment), which means that every dispute between workers and employers must prioritize a peaceful mechanism based on the principle of balance. Settlement of industrial relations disputes has special procedural law. Dispute resolution mechanisms start from bipartite, tripartite, industrial relations courts, and the cassation stage at the Supreme Court. Dispute resolution through industrial relations courts can be carried out if an agreement cannot be reached through bipartite and tripartite settlements.

Industrial relations need more attention so that harmony is created between workers/laborers and entrepreneurs. In reality, industrial relations do not always run smoothly and there can be disputes or disharmony between workers/labourers and the company. For this reason, industrial relations dispute resolution mechanisms must be implemented well. So that there is a balance between workers and entrepreneurs when disputes occur. Apart from that, industrial relations court procedural law also requires strengthening the principles of administering justice in civil procedural law so



that it synergizes with other related laws and regulations.

## CONCLUSION

The results obtained from the labor law counseling service activities for teachers and employees at Wira Bhakti Singaraja High School increased insight and knowledge of the counseling participants regarding aspects of labor law and mechanisms for resolving industrial relations disputes. With this outreach, teachers and employees can understand their rights and obligations which are protected by the Employment Law. So with this understanding, industrial relations can be implemented well.

## SUGGESTION

It would be best for teachers and employees at Wira Bhakti Singaraja High School to immediately coordinate with the Proclamation Service Foundation as the organizing body. This coordination is intended to find solutions related to current problems, such as the minimal number of students and the welfare of teachers and staff. Solving this problem is very urgent considering that it is fundamental for private schools. It is hoped that the solution obtained will be in accordance with statutory regulations, especially the Employment Law.

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