THE LEGAL PROTECTION OF CONTRACT WORKER IN A COMPANY CONNECTED TO UNDANG-UNDANG NO 13 YEAR 2003 ABOUT EMPLOYMENT

ABSTRACT

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The significance of work relationship between worker and company can be seen from the implementation of constitution that rules of employment to guarantee harmonic relationship and mutual beneficial both side. In this case to rule the work contract the company need to clarify and firm the rights and obligation of the workers, in an work agreement that fulfill both side, because the reality to avoid the compensation giving to the contract worker, there are a lot of companies that try to use principle of contract freedom with no change of status and position of worker in a work agreement from contract worker into fixed worker, so the workers and the status do not change even though over limit. The purpose of this study is to know how the legal position of contract worker in company Rekatama Putra Gegana. Beside that is to know how the protection aspect towards worker in a certain time whether appropriate to constitution no 13 year 2003 about employment.

This study applies descriptive analytic research method with juridical normative approach and use data in form of primary material namely with Undang-undang no 13 year 2003 about employment, that is analyzed with constitution rules in qualitative. The data collection technique is conducted through documentation study and interview.

The study result says that the legal position of worker in company RPG has not appropriate yet with the employment constitution because there are lot of violations towards work time that over the determined time, it can result the change of work agreement in certain time become undetermined work time, beside that there are violent in regulation article 66 chapter (4) employment constitution where the contract worker's rights are still determined with fixed worker.