



## JAWAN RESPONSIBILITY PROVIDING PKWT COMPENSATION AT PT SOCFINDO PERKEBUNAN TANAH GAMBUS

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### ABSTRACT

The legal basis for the company's obligation to provide compensation to PKWT workers lies in government regulation number 35 of 2021, the Job Creation Law as an implementing regulation. The service period for PKWT employees who will be extended can be compensated according to existing regulations after the PKWT period of at least one year ends. This article aims to determine the implementation of PKWT compensation by companies to their employees as regulated in statutory regulations. The research method that the author uses is empirical which is carried out using data collection methods through interview techniques with sources and distributing questionnaires. This article has been prepared systematically in accordance with the results and discussion of the author's research. The results of this research are PT. Socfindo Perk.Tanah Gambus has tried to implement regulations regarding compensation but they have not been fully implemented.

**Keywords:** *Responsibility, Compensation, PKWT*

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### A. INTRODUCTION

Physiological needs are the very basic needs of every human being to maintain their life physically. Physical needs are meant as basic or main needs, namely food, drink, shelter (clothing, food, shelter). In order to obtain all of this, every human being or individual must work. To be able to work, every person can open their own business or work in a company led by someone else. On the other hand, in order to support the company's activities, the company needs human resources, namely the workforce, to drive activities within the company.

The PKWT system implemented by the company in recruiting its employees is considered more effective and efficient if seen from companies that produce their products according to consumer demand or work that is seasonal in nature, in this case it means that if many projects come in which also increases demand for production results so that the company also will carry out recruitment on a large scale. Please note that seasonal work is the nature of which is carried out depending on the season/weather and the work that must be done in order to fulfill certain orders or targets.

The application of the contract or PKWT system means that companies do not provide guarantees or certainty about career paths and salary/wage increases to their employees with PKWT status. Not a few workers have had their PKWT period expired, so that when the PKWT is not extended, employees become confused about getting a new job, so it is possible that they will be unemployed for years. The PKWT system which is implemented in almost all companies, especially in Batam City as an industrial city, means that the public has no other choice but to agree to the provisions related to the PKWT system. This choice is the best choice rather than choosing not to have a job. Indonesia has regulated regulations regarding the provision of compensation to workers or laborers with PKWT status. These regulations are outlined in the Job Creation Law, which the author shortened to UUCK and Government Regulation Number 35 of 2021 as its implementing regulations. Article 61A UUCK explains the company's obligation to provide compensation to PKWT workers or workers. Compensation itself is a form of appreciation or remuneration given by the industry to its employees in the form of rewards for their services in carrying out the duties, obligations and responsibilities assigned to them in financial form.

The obligation to provide compensation through UUCK and the provisions regarding its implementation by PP No. 35 of 2021, therefore all Indonesian people are considered to have known these regulations, especially entrepreneurs in order to implement or implement these regulations in their companies.

## **B. Formulation of the problem**

1. How is the implementation of the company PT. Socfindo Perk.Tanah Gambus in providing compensation to PKWT workers?

## **C. Research methods**

The research method in structuring the writing of this research uses empirical legal research. Empirical law is a legal research method that examines current legal provisions and the realities that exist in society. This research is carried out by looking at the actual conditions that occur in society to find facts that can be used as research data, analyzing them and then identifying the problem which in the end leads to solving the problem.

## **D. Results and Discussion**

### **1. Implementation of PKWT Compensation at PT Socfindo Perk. Gambus Land**

PKWT compensation is an award from the company to its employees or workers, especially workers based on a contract agreement or PKWT. The legal

basis for providing compensation lies in Article 61A of the UUCK, which for the author, the essence of the article is that employers are obliged to provide compensation to workers/laborers in terms of certain-term work agreements. Then after the promulgation of Government Regulation no. 35 of 2021 concerning PKWT, Outsourcing, Working Time and Rest Time, and Layoffs as implementing regulations, then in Article 15 paragraph (1) PP No. 35/2021 has regulated compensation for PKWT employees.

Implementation of PKWT compensation at PT Socfindo Perk. Tanah Gambus, where previously the author had collected data through interviews with the company and distributed questionnaires to employees, which obtained the results that PT Socfindo had implemented the clauses in Article 15 paragraph (1), paragraph (2), and paragraph (4 ) PP No. 35 of 2021, which according to the author, is the essence of the content of this paragraph, namely paragraph (1), which explains that employers are obliged to provide compensation to their workers based on PKWT. Paragraph (2) states that compensation is given at the end of the PKWT period. Paragraph (4), regarding if the PKWT period is extended, compensation is given at the end of the PKWT period before the extension and regarding the PKWT extension time, the next compensation money is given after the extension of the PKWT period ends or is completed (Government Regulation Number 35 of 2021, nd).

Implementation of PP no. 35 of 2021 Article 15 concerning Compensation, at the company PT Socfindo it was implemented in November 2021, what is given is in the form of financial compensation. Regarding compensation rights for PKWT who resign, PT Socfindo does not recognize the term resignation for PKWT employees, so if the worker still wants to receive compensation, before the worker has completed the PKWT period, the employee must also pay compensation for the remainder of the contract/PKWT period to the company . This is also contained in Article 62 of the Manpower Law. Based on the results of the research questionnaire conducted by the author, the results were that there were still workers or laborers who were based on PKWT whose PKWT was implemented for the second time or more, and did not receive any compensation from the company.

Regarding PKWT employees who resigned, there was one party who terminated the employment agreement unilaterally. According to the author, the employee is entitled to compensation, as is the company which is also obliged to provide compensation. However, behind the rights of employees to resign, which according to the author need to receive compensation, the agreement clauses that they have agreed to from the beginning of the contract between the employer and the employee must also be implemented, such as employees also having the obligation to pay compensation to the company which has the right to receive compensation for the resigning employee. Article 62 of the Law Employment. According to the author, there must be a discussion first between the company and the resigning PKWT employee regarding the acquisition of the rights of each party. Companies basically also need to explain this to employees so that it is clearer and does not cause mistakes so that the employee knows the consequences of resigning and there is a legal basis that regulates this. If the employee then wants to obtain their right to compensation, the PKWT employee must also pay compensation to the company.

In the implementation of providing PKWT compensation at PT Socfindo Perk. Tanah Gambus, based on the results above, the author concludes that there are differences in information between the companies which state that they have implemented the regulations on the obligation to provide PKWT compensation as a whole in their company.

However, based on the results of the questionnaire filled out by PKWT employees, the ongoing PKWT is the second or more PKWT at PT Socfindo Perk. Tanah Gambus stated that it did not receive any compensation from the company. Which means, PT Socfindo Perk Tanah Gambus has not fully implemented the regulations regarding the obligation to provide PKWT compensation, especially in Article 15 paragraph (4). According to the author, the company has not provided comprehensive information regarding the implementation of compensation at PT Socfindo Perk. Tanah Gambus, where this is an order from the law. There is still a gap between regulations and actual implementation in the field.

## E. CLOSING

1. Implementation of PKWT compensation at PT Socfindo Perk. Tanah Gambus still has a gap in implementation and implementation in the field with what has been stipulated in the Job Creation Law as the parent regulation of its implementing regulations, namely Government Regulation no. 35 of 2021. PT Socfindo Perk. Tanah Gambus has not implemented Article 15 paragraph (4) of Government Regulation no. 35 of 2021 to all employees whose PKWT period has ended, where compensation should be given at the end of the PKWT period before the extension. The author suggests that companies should immediately implement Article 15 paragraph (4). According to the author, it would be good for companies to be responsive in implementing these regulations, not only because these regulations must be obeyed and implemented, but they can also violate the rights of PKWT employees who work at PT Socfindo Perk. Gambus Land.

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