

Viktimisasi struktural terhadap buruh melalui sistem outsourcing : studi kasus buruh outsourcing PT. (X), yang dipekerjakan pada PT. (Y) di, Kabupaten Serang = A Structural victimitation to a worker through an outsourcing system : case studies an outsourcing worker of company X that hired to company Y in Serang District / Abdul Munir

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Abstrak

Dalam keadaan tertentu, kebijakan yang dibuat pemerintah dalam upaya melakukan perubahan sosial, terkadang tidak bersifat populis, malah cenderung melahirkan permasalahan baru yang amat mendasar. Diantaranya kegagalan pemerintah memproteksi keseimbangan hak dan kewajiban antara pengusaha dan buruh dalam kerangka regulasi ketenagakerjaan menyangkut sistem outsourcing. Meski sangat tendensius menganalogikan sistem outsourcing dengan penajajahan baru di zaman modern (ASPI : 2005), namun realita tersebut tampak manakala saat penulis melakukan penelitian terhadap buruh outsourcing PT (X) yang dipekerjakan pada PT (Y). Dalam penelitian dengan menggunakan pendekatan kualitatif, penulis dapatkan sebuah kesimpulan, bahwa hubungan kerja melalui sistem outsourcing ini telah menghadirkan perlakuan tidak seimbang yang bermuara pada diskriminasi dan eksploitasi terhadap hak-hak dasar buruh outsourcing diantaranya menyangkut : upah lembur, upah pokok, biaya perpanjangan kontrak, jamsostek serta larangan bergabung ke dalam serikat. Hal ini konsekuensi dari tidak lengkapnya ketentuan dalam regulasi ketenagakerjaan mengatur secara tegas dan pasti menyangkut batasan bidang kerja serta sanksi pidana maupun administrasi kepada pengusaha sekiranya melanggar ketentuan ketentuan yang sebenarnya telah dituliskan dalam regulasi ketenagakerjaan sendiri. Selain itu, komponen struktur hukum ketenagakerjaan seperti Disnakertrans yang sejatinya berfungsi melakukan tindakan pengawasan untuk pencegahan, sama sekali tidak berjalan disebabkan alasan hukum dan prioritas kerja. Alhasil, regulasi ketenagakerjaan yang dilengkapi dengan komponen strukturnya (disnakertrans) terkesan hanya semata-mata sebatas mengisi kelengkapan administrasi negara dibidang ketenagakerjaan belaka. Pada titik itulah, viktimisasi struktural terhadap buruh outsourcing telah terjadi.

.....In particular circumstances, a policy could be made by The Government in an effort to make a social changes, sometime it could not be popular for civilians, in fact it will make a new fundamental problem. Such as a failure by The Government to protect the balancing of right and obligation between a businessman and a worker in the regulation of employment related to outsourcing system. Even it is so tendency to analogicaly outsourcing system with a new colonialism in the modern age (ASPI : 2005), but that reality has shown when a

writer doing a research to a outsourcing worker at company (X) that has been hired to another company (Y). In a research by using qualitative approaching, a writer have concluded, that a working relationship by this outsourcing system has occuring unbalancing treatment that estuary to a discrimination and exploitation of outsourcing worker fundamental right such as : overtime wages, basic wages, contract extending fee, insurance, and cannot be joining into a union. It is a consequencey from the uncomplete rules in manpower regulation arrange with an expressly and as always related to jobs border and also give a criminal punishment or administrative to a businessman if they breaking a provisions that has been writed in a regulation of employment. Besides that, a law structural component for employment like Disnakertrans that should have a function to monitoring for prevention, absolutely not running because a legal reason and work priority. As a result, a regulation of employment that equipped with the structural component (disnakertrans) it is just only impressing filled a completeness of national administration in the field of employment. So, in that part of fact, a structural victimitation to an outsourcing worker is happening.