

## Legal Assistance as Workers Rights in the Banking Industry

I Made Arta Negara<sup>1</sup>, Siti Hajati Hoesin<sup>2</sup>

<sup>1,2</sup>Faculty of Law, Universitas Indonesia

[i.made022@ui.ac.id](mailto:i.made022@ui.ac.id), [sitihajati@yahoo.com](mailto:sitihajati@yahoo.com)

### Abstract

*Law in Indonesia guarantees legal protection for workers. However, its existence does not necessarily mean that employment problems do not occur. So that the presence of Legal Aid is considered very important for a country with the principle of equality before the law. Therefore, there is a right that will be obtained by all levels of Indonesian society, namely equality before the law. This study aims to examine legal aid as a worker's right in the banking industry. This type of research is normative law research. Normative legal research is legal research conducted by examining library materials or secondary data and referring to legal concepts. The results of this study that the implementation of legal aid will be very helpful when workers in the banking industry are faced with legal cases or with a collection of state instruments that carry out judicial power and court proceedings. Every worker/labor has the right to get protection on to safety and health work; Moral and decency; and Treatment which in accordance with dignity and dignity man as well as values religion.*

### Keywords

high regulated industry; legal aid; workers rights; banking industry



### I. Introduction

Law in Indonesia guarantees legal protection for workers. However, its existence does not necessarily mean that employment problems do not occur. Justice and equality in law can be enforced with one of the efforts, namely by providing obligations in the form of legal assistance for every community, especially for workers who demand their rights (Hardi, Dewi, and Widyantara, 2022).

So that the presence of Legal Aid is considered very important for a country with the principle of equality before the law. Therefore, there is a right that will be obtained by all levels of Indonesian society, namely equality before the law. In this case, the equality received by the community is in the form of the same treatment and there is no difference from one another. Because not infrequently, in reality, the assistance provided by law can only be obtained only for people who are well off in their lives (Winarta, 2000).

But keep in mind that the basis for workers to do their work is an agreement. As stated in Article 13 of the Criminal Code, it is "an act by which one or more people bind themselves to one or more other people". The agreement made then applies as a law for parties who bind themselves and results in the emergence of a relationship between the two parties (Nafia, Kristine, and Wijaya, 2017). However, it does not rule out the possibility of industrial relations disputes. Dispute connection industrial is difference opinion which results in the conflict between businessman or a combination of entrepreneurs with workers/labor or union worker/union laborer because existence dispute about right, dispute interest, and dispute disconnection connection work as well as the dispute between union worker/union laborer only in one company (Law No. 13 of 2003).

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So humans as workers must receive protection, welfare, and tranquility, security in carrying out work relationships because humans face uncertainty, whether it's uncertainty that is speculative or pure uncertainty that always causes losses. Therefore, to guarantee all of this, various regulations regarding social security were formed. In this case, it is necessary to provide social security, namely workers, because workers are the backbone of the company and have an important role in the company. Without workers, the company can't run and participate in development. Development is a systematic and continuous effort made to realize something that is aspired. Development is a change towards improvement (Shah, M. et al. 2020). Recognizing the importance of workers for employers, government, and society, it is necessary to think so that workers can maintain safety in carrying out their work. Likewise, it is necessary to strive for the calm and health of workers so that what they face at work can be considered as much as possible, so that vigilance in carrying out the work is guaranteed. These thoughts constitute a worker protection program, which in daily practice is useful for maintaining company activity and stability (Husni, 2004).

Workers/laborers who experience a dispute over rights, interests, and concentration of work relations have the right to make claims in accordance with the rules in the applicable law (Soedarjadi, 2009). Therefore, the Government is trying to regulate legal protection for workers which is inherent and protected by the constitution as regulated in Article 27 paragraph (2) and Article 33 paragraph (1) of the 1945 Constitution, which states that "The economy is structured as a joint effort on family". Protection of workers is intended to guarantee workers' rights and ensure equal opportunity and treatment without any discrimination to realize the welfare of workers and their families while taking into account the progress of the business world and the interests of entrepreneurs (Suyanto and Nugroho, 2016).

The economic condition of the population is a condition that describes human life that has economic score (Shah et al, 2020). Economic growth is still an important goal in a country's economy, especially for developing countries like Indonesia (Magdalena and Suhatman, 2020).

To improve the Indonesian economy in Law No. 13 Year 2003 About Manpower article 39 explains that the Government is responsible and together with the community seeks to expand job opportunities both inside and outside the employment relationship. Furthermore, financial institutions, both banking and non-banking, and the business world need to help and provide convenience for every community activity that can create or develop the expansion of job opportunities.

The Performance of Indonesian Banking and its Relation to the Real Sector It has had its ups and downs over the last few decades. The banking industry's policy direction tends to focus on strict regulations and directions, followed by the breadth of the highly regulated banking industry. Therefore, bank management models usually tend to be conservative, bound by strict rules, and lack creativity, often without innovation. Of course, this affects the performance of banks that are responsible for providing services in providing banking services to the public. And indirectly, tight regulations in the banking industry will impact workers in the banking industry.

So, with the problems that occur, this study aims to examine legal aid as a worker's right in the banking industry, with the formulation of the problem as follows

1. How can legal aid be categorized as workers' rights in the banking industry?
2. What types of legal assistance can be provided to workers engaged in the banking industry?

## **II. Review of Literature**

### **2.1 Legal Aid**

Legal aid is a special legal service provided to the poor who need a free defense, both outside and inside the court, in criminal, civil and state administration, from someone who understands the ins and outs of legal defense, principles, and rules law, and human rights (Winarta, 2000). In line with Nasution (2007) legal aid is specifically legal aid for low-income groups or in popular language the poor, poverty is still a difficult problem to solve, not only for developing countries but even developed countries still a problem.

Furthermore, Law No. 16 of 2011 concerning legal aid. "Broadly speaking, the Law on Legal Aid regulates the procedure for providing free legal aid to recipients of legal aid, which includes poor people or groups of people who are facing legal problems. Legal aid providers who have met the requirements of this Act have the right to recruit advocates, paralegals, lecturers, and students of the Faculty of Law in providing legal aid services which include non-litigation and litigation. After the Law on Legal Aid was enacted, the government through the Ministry of Law and Human Rights enacted Permenkumham Number 3 of 2013 concerning Procedures for Verification and Accreditation of LBH or Ormas that provides legal assistance to poor people or groups of people. This was made to implement the provisions of Article 7 paragraph (4) of the Legal Aid Act."

### **2.2 Worker**

Law of the Republic of Indonesia No. 13 of 2003 article 1 describes workers/laborers as every person which works with accept wages or reward in form other. According to Soedarjadi (2009), the rights of workers in carrying out work relations that must be given are as follows: a) The right to receive wages, b) The right to annual leave and sick leave, c) The right to receive wages even though they are not working, d) The right to get additional wages, e) The right to social security, f) The right to safety and health protection at work, g) The right to wealth protection, h) The right to receive religious holiday allowances, i) The right to form a trade union organization, j) The right to freedom of expression, k) The right to file claims and industrial relations disputes, and l) Right to strike.

## **III. Research Method**

This type of research is normative law research. Normative legal research is legal research carried out by examining library materials (Soekanto and Mamudji, 2003) or secondary data and referring to the concept of law as a rule with a doctrinal-nomological method that starts from the teaching rules that assess behavior to answer legal issues that arise faced (Marzuki, 2010). In this type of legal research, the law is often conceptualized as what is written in statutory regulations, or the law is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate (Amiruddin and Asikin, 2006).

## **IV. Results and Discussion**

### **4.1 Legal Aid can be Categorized as Workers' Rights in the Banking Industry**

Workers/laborers who experience a dispute over rights, interests, and concentration of work relations have the right to claim in accordance with the rules in the applicable law. In-Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes which replaces the previous rules in Law no. 22 of 1957 concerning the Settlement of Labor

Disputes and Law no. 12 of 1964 concerning Termination of Employment in Private Companies provided a breath of fresh air to the actors in the production process (workers, entrepreneurs, and the government). This is because the settlement method is simpler, faster, has definite legal force, is not complicated, and binds the parties (Soedarjadi, 2009).

The implementation of legal aid will be very helpful when workers are faced with legal cases or with a collection of state instruments that administer judicial powers and court processes. For legal aid to be beneficial for the entire community, its implementation needs to be carried out even with distribution carried out evenly by distribution through various law enforcement institutions that exist in organizations such as courts, prosecutors, lawyers for practicing organizations/advocates, communities engaged in legal aid (Triwulandari, 2020).

Organization must have a goal to be achieved by the organizational members (Niati et al., 2021). The success of leadership is partly determined by the ability of leaders to develop their organizational culture. (Arif, 2019).

Protection of workers is intended to guarantee workers' rights and ensure equal opportunity and treatment without any discrimination to realize the welfare of workers and their families while taking into account the progress of the business world and the interests of entrepreneurs (Suyanto and Nugroho, 2016). One of them is the government's efforts to expand job opportunities in financial institutions. Institutions finance good banking and nonbanking, and world effort need help and give convenience for every activity in society.

The banking industry's policy direction tends to focus on strict regulations and directions, followed by the breadth of the highly regulated banking industry. Therefore, bank management models usually tend to be conservative, bound by strict rules, and lack creativity, often without innovation. Of course, this affects the performance of banks that are responsible for providing services in providing banking services to the public. And indirectly, tight regulations in the banking industry will impact workers in the banking industry.

On the Law Republic Indonesia, Number 13 the Year 2003 About Labor Article 86 explains that

- a. Every worker/labor has right for getting protection on
  1. Safety and health work;
  2. Moral and decency; and
  3. Treatment in accordance with dignity and dignity man as well as values religion.
- b. To protect the safety of workers/laborers to realize good work productivity optimal accompanied by a procession effort safety and health work.
- c. Protection as meant in paragraph (1) and paragraph (2) held in accordance with regulation legislation invitation which applies.

#### **4.2 Types of Legal Assistance that can be Provided to Workers Engaged in the Banking Industry**

The scope of legal aid that can be provided includes issues such as state administration, civil or criminal matters, both non-litigation, and litigation. Because the scope is quite broad, often labor or employment issues are also handled by the Legal Aid Institute because often workers receive deviant treatment where they work. 1) Provision of Litigation Legal Aid: carried out by advocates with the status of public advocates and LBH Makassar staff advocates. Covering legal issues related to Civil Law; Criminal law issues; and State administrative law issues.

Meanwhile, the Provision of Legal Aid in Non-litigation includes legal Counseling activities; Legal consultation; case investigation, both electronically and non-electronically; Legal research; Mediation; Negotiation; Community empowerment; Assistance outside the court; and/or Drafting of legal documents.

In addition, the provision of structural and non-structural legal assistance has been contained in Article 28D paragraph (1) of the 1945 Constitution, namely that everyone has the right to recognition, guarantees, protection, fair legal certainty, and equal treatment before the law. . This principle is very vital in providing structural and non-structural legal aid, this is also a consequence of the State of Indonesia as a state of law (article 1 paragraph (3) of the 1945 Constitution as a result of the third amendment). There are three principles of the rule of law (resistant), namely the rule of law (supremacy of law), equality before the law (equality before the law), and law enforcement in ways that do not conflict with the law (due process of law).

## V. Conclusion

Law in Indonesia guarantees legal protection for workers. However, its existence does not necessarily mean that employment problems do not occur. So that the presence of Legal Aid is considered very important for a country with the principle of equality before the law. Therefore, there is a right that will be obtained by all levels of Indonesian society, namely equality before the law. This study aims to examine legal aid as a worker's right in the banking industry. The results of this study that the implementation of legal aid will be very helpful when workers in the banking industry are faced with legal cases or with a collection of state instruments that carry out judicial power and court proceedings. Every worker/labor has the right for getting protection to safety and healthy work; morals and decency; and Treatment in accordance with dignity and dignity man as well as values religion.

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