

PROMOTE LABOR EDUCATION THROUGH INTERNATIONAL COOPERATION IN THE FIELD OF APPRENTICESHIP

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**PROMOTE LABOR EDUCATION THROUGH INTERNATIONAL
COOPERATION IN THE FIELD OF APPRENTICESHIP**

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ABSTRACT

Unskilled labor factor is the basic cause of the low bargaining power and a violation of law by the employer. Many efforts are needed to improve labor education to achieve employment skills, through the international cooperation of students apprenticeship abroad. Apprenticeship arrangements by Decree of Minister of Manpower No.226/2003. In fact, the apprentices has been exploited by employers. This research is a normative law with approaching regulation. The Result of this study is that there is inconsistencies in vertically-horizontally arranging the apprenticeship abroad. The condition of apprentices have been abused by placing them as a potential employee of a company, such as fast food companies and beauty salons. There is a discrimination in wages between apprentices employees and permanent ones. This is inconsistent with the purpose of the apprenticeship to improve the quality of education students to be skillful and work ready graduates. The Recommendation of this study is the revision of regulatory enforcement and law enforcement apprenticeships.

Keywords: Apprenticeship, education, students, apprenticeational cooperation

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1. Introduction

The number of labors is not worth the job, resulting in high competition for jobs. The population of Indonesia is 237.641.326 people.¹ In February 2012, the labor force was 120.4 million people. The number of working people was 112.8 million people. There were approximately 42.1 million people, or 34.24 % of people worked in the formal sector and 70.7 million people, or 65.76 % in the informal activities.² Dienstverhoeding between labors and employers caused the labors as the weak and marginalized in the employment relationship.³ Legal protection for labors is needed. The protection should be through legal means against the special interests, as a legal right.⁴ The interests of labors and prospective labors to improve skills should be got through education and job training. Apprenticeship

could be done outside the territory of Indonesia. There were 4,927 people between 2009 and 2011, which set off an apprenticeship to Japan. It is expected that 2,500 apprentices would leave in 2012. They would be placed in approximately 700 companies that provided 60 different majors.⁵

The study results showed that the apprenticeship as a strategy to prepare skilled labor.⁶ The success of the apprenticeship depended on apprenticeship places that affect the experience and quality of labors. Failure apprenticeship can be sourced on the rule of law. This article tries to look at the issue of injustice suffered by labors apprenticeship. Several case examples will be presented to illustrate the importance of the revision of the rule of the law on apprenticeship through apprenticeational cooperation.

2. Materials and methods

The problem in this research is how to model overseas apprenticeship setting that is appropriate to advance the labors education. This research is a conceptual study, normative legal research through statute approach.

3. Result and discussions

The purpose of the apprenticeship is to prepare students to have the skills of labor without eliminating/reducing the minimum standard of work. The study results showed, apprenticeship has been abused, as a means to get labors with low wages. Obligations of ILO member States to regulate apprenticeship mechanism through national legislation.

A discussion of how the model of apprenticeship arrangements abroad the right to improve the labor education, laid out three basic questions as the frame work. First, **"Are the overseas apprentices labors?"** This study is a normative juridical through statute approach. The discussion will be based on legislation. Overseas apprenticeship is regulated by the Ministry of Manpower and Transmigration KEP. 226/MEN/2003 jo. KEP. 112/MEN/VII/2004 jo. PER-22/MEN/V/2006 about licensing procedures for the implementation of apprenticeship program outside Indonesia. This provision is further implementation of Article 1 number 11 jo. Article 21-30 of Law 13/2003.

There is a difference between understanding apprenticeship Law 13/2003 (manpower law), the ILO Convention and Recommendation legal experts. Apprenticeship is a ³ part of a job training system that integrates training at a training institutions with working directly under the tutelage and supervision of an instructor or a more experienced worker/labor in the process of producing goods and/or services in an enterprise in order to master a certain skill or trade that is held outside the territory of Indonesia (Article 1 point 1 Kepmenakertrans KEP. 226 / MEN/2003 jo. Art. 1-11 of Law 13/2003). Job training may be administered by means of apprenticeship systems (Art. 21 of Law 13/2003). Apprenticeship shall be carried out based on an apprenticeship agreement made in writing between the participant and the entrepreneur apprenticeship. The apprenticeship agreement shall at least have stipulations explaining the ³ rights and obligations of both the participant and the entrepreneur as well as the period of apprenticeship. Any apprenticeship administered without an apprenticeship agreement shall be declared illegal and as a consequence, the status of the apprenticeship's of participants shall change to be the workers/labors of the enterprise (Art. 21 of Law 13/2003). From that provision can be seen that the apprenticeship is a part of job training. The apprenticeship requirement is the existence of an agreement that includes rights and

obligations and timeframes. If that requirement is not fulfilled, apprenticeship participants will be labors.

From the formula above, it can be interpreted that apprenticeship are any people who want to have certain skills and expertise by way of training and work on others. Who orders the apprenticeship? No, because the will to apprentices comes from the candidate of apprenticeship himself. Who train apprenticeship participants? Supervisor. Supervisor is a supervisory instructor or workers/labors who are more experienced. He was ordered by the person hiring apprentices to perform guidance. Who is involved in apprenticeship besides apprentices and employers? Vocational training institutions that have a license (Article 3 Kepmenakertrans KEP. 226/MEN/2003). What is the purpose of the apprenticeship? Masters a particular skill or expertise. What is the result of an apprenticeship? Labors who master certain skills or expertise. So the apprentices are labors.

Definitions Manpower Law apprenticeship in contrast to the universal concept.

² Apprenticeship means any system by the which an employer undertakes by contract to employ a young person and to train him or have him trained systematically for a trade for a period, the duration of the which has been fixed in advance and in the course of the which the apprentice is bound to work in the employer's service. (I.I.c. R57 Vocational Training Recommendation, 1939). The notion of apprenticeship must be intended for the purpose of implementing the school curriculum. During the apprenticeship, school attendance is no longer a mandatory (Article 2 b R.60 Apprenticeship Recommendation, 1939). Formulation R. 57 connected with. R. 60 confirmed in C. 140, which is ⁵ paid educational leave means leave granted to a labor for educational purposes for a specified period during working hours, with adequate financial entitlements (Article 1 C140 Paid Educational Leave Convention, 1974). In accordance with the formulation of apprenticeship, the apprentice must be carried

out in a series of educational activities. Apprentices must still serves as school students. Apprenticeship is not labors. In the Netherlands, apprenticeship is not labor. The element 'work' was not fulfilled. Because the educational character of the work prevailed above the productive element. Because it was done within the framework of the educational program of the school.⁷

The second question, **"what are the obligations and rights of apprentices?"** The obligation of apprentice is undergoing training in vocational training institutions and working appropriate curriculum and syllabus which are determined based on job competence in the workplace. Job competence ⁸ is the ability of each individual that includes aspects of knowledge, skills, job attitudes in accordance with established standards (Article 2 Kepmenakertrans KEP. 226 / MEN/2003).

Rights of apprentices are getting a certificate (from vocational training institution if the person concerned has completed the apprenticeship program); following the competency test (to obtain recognition of qualifications); receiving accident insurance coverage of health, mortality (premiums are paid by the recipient agency apprenticeship program participants, the magnitude accordance with the applicable regulations in the country for the implementation of apprenticeship programs); obtaining occupational safety and health facilities during the work practices in the company; earning pocket money and transport (in accordance with the agreements between apprentices training institutions work apprenticeship program providers) (Article 5 Kepmenakertrans KEP. 226 / MEN/2003 jo. Article 8 (2) of Law 3/1992).

On the first month participants apprenticeship in Japan must undergo pre-apprentices. They do not receive a reward but just get accommodation, because they have not worked and are still learning the language and culture. The process of off-the-job training in Japan takes about 1 month prior to placement in the companies (Saitama and Chiba). The second to the

twelfth month, apprentices or trainees have a role as kenshusei (trainee) in Industrial Training Program (ITP). They get a wage of 80,000 yen/month (80 % of standard wages). In the second till third years, the trainee become jisshusei Intership Technical Program (TIP). They get a wage of 100,000 yen/month (100 %). Since the second year the jisshusei obtain the right of leave for 10 days/year. Apprenticeship program in Japan has officially lasted more than 15 years so far. The work they do in general differ with their wishes when filling out a form in Indonesia. The received salary tends to be unchanged since 15 years ago and is currently relatively lower than the hourly wage for side-job labors (part-time labor or arubaito). Japanese companies which have factories in Indonesia, do a certain period of internal apprenticeship in Japan every year. This will benefit their manufacturing sector in Japan because it is able to balance the needs of the workforce.⁸

From the foregoing it appears that the apprentices in Japan after carrying out the work according to the guidance of an instructor/more experienced labors earn wages below the hourly wages of part-time labor. They do not get pocket money and transport in accordance with Article 5 Kepmenakertrans KEP. 226 / MEN/2003.

The unclear status of apprentices also occur in this country. Schools become the place for manipulating the status of students. For example people who are not students of SMK Panca Sakti can work as apprentices in Kentucky Fried Chicken through intermediary.⁹ More than 2,700 apprentices (students) completed the program at L'Oréal in France and around the world in 2007 for a period of 3-12 months, in preparation for a research position, operations, finance, information systems, marketing, sales, communications, human resources.¹⁰ Furthermore, many labor agencies who take refuge in the apprenticeship system, for example PT Fuji Bijak Prestasi for the position of receptionist, administration staff, it staff, accounting staff, marketing staff, purchasing staff.¹¹

The provisions of Article 1 number 11 in connected with Article 21-22 of Law 13/2003 is contrary to the provisions of Article 1 of ILO Convention no. 140 in connected with Article 1.1.c ILO Recommendation no. 57 in connected with Article 2 of the ILO Recommendation No. 60. Students as apprentices must not be applied in Indonesia . As a result of this inconsistency rule of law, apprentices used as a means for employers to pay low wages. On the status of apprentices conceptualized as labors (Article 1 point 11 in connected with Article 21-22 of Law 13/2003) but in granting bail, conceptualized as a student only received some pocket money and travel expenses only. (Article 5 Kepmenakertrans KEP. 226 / MEN/2003).

Third, **“how is the procedure apprenticeship abroad?”** Provision of apprenticeship outside Indonesia are further stipulated by Ministerial Decree (Article 25 paragraph (3) of Law 13/2003). Apprenticeship process consists of administrative selection, training in training centers, in-house training and off the job training abroad. Administrative selection, is held in the region in collaboration with the local Department of Labour, aged 18-40 years, minimum education Vocational School , has been followed for a minimum of 480 hours debriefing at Training Center (TC), passed the administrative selection (well-behaved, physically and mentally healthy), take the test of interview and health. The material of In house training (4 months) are language and culture, immigration, discipline, and physical exercise. During the training process pre-apprentices obtain accommodation and dining facilities whose costs have been taken into account with their earnings during the next 3 years in Japan. Off the job training process (1 month) includes the introduction of language, culture/customs of local communities.¹²

Has the state implemented an obligation to regulate the mechanisms of apprenticeship abroad fairly? Yet. Kepmenakertrans. KEP. 226/MEN/2003 split the Institute of

Apprenticeship Program Operator into two for the public and for labors. Training for labors in general is called training. Against them from the beginning has been in the employment relationship. All activities and administration of funds should be borne by the employer as a job facilitator. There is a misconception of the law relating to the Institute of Apprenticeship Program Operator for the general public. Supposedly apprentices are those who are still students. Implementation of apprenticeship should be in the settlement of the school curriculum. This is forgotten by the government in the formulation Kepmenakertrans KEP. 226 / MEN/2003. As a result, apprentices who are not students, do not run apprentices for the settlement of the school curriculum, do the employment relationship (because they meet the elements of the employment relationship : orders, employment and wages) but do not get the rights appropriate for minimum standard of work (just get pocket money and travel expenses as well as bear all cost of apprenticeship). This fact must be stopped.

State has not fully provided the rights of education and training. Every citizens ⁶ has the right to work and decent living for humanity (Article 27 paragraph (2) of the 1945 ⁴ Constitution). Every person ⁴ has the right to develop themselves through the fulfillment of basic needs, get the education and obtain the benefits of science and technology, arts and culture, in order to enhance quality of life and for the well-being of mankind ⁴ (Article 28C Paragraph (1) of the 1945 Constitution).

4. Conclusion

The appropriate model of apprenticeship arrangements abroad the right o improve the labor education is revising Kepmenakertrans KEP. 226/MEN/2003, particularly Institute of Apprenticeship Program Operator for the general public through increasing the basic requirement namely the existence of character education as a must. Apprentices must be an

active student of the school who have apprenticeship curriculum. Institute of Apprenticeship Program Operator for the general public must have cooperation with the schools that have a license to provide education to suit the purpose of the apprenticeship namely to improve the quality of students education to be graduates who are ready to work with labor skills .

Recommendation from this study is the revision of the regulation on overseas apprenticeship by recommending models of overseas apprenticeship arrangements to improve labor education namely revising the permit for the providers of apprenticeship programs for the community by requiring the cooperation with schools that have a curriculum of apprenticeships and active students as apprentices. Governments should facilitate the apprenticeship by providing funds for the establishment of training centers for students and taking cooperative agreements with other countries.

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