

## Legal Steps to Resolve Labor Relations Problems (Drivers) in Logistics and Land Transportation Companies

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### ABSTRACT

<p><b>Keywords:</b> Legal Measures; Labor Relations; Logistics Company.</p>	<p>This study investigates legal steps in resolving labor relations problems, primarily related to drivers, in logistics and land transportation companies. By analyzing employment contracts, consultation with legal experts, amicable negotiations, mediation or arbitration, and the possibility of filing a lawsuit in court, this study aims to comprehensively understand the dispute resolution process. The research method used is a case study that analyzes several cases of logistics and land transportation companies. The results showed that implementing these legal measures can provide fair solutions, minimize conflicts between related parties, and ensure the enforcement of rights by applicable legal provisions. This research implies the importance of understanding and using legal measures to solve labor problems effectively and efficiently in the logistics and land transportation industry.</p>
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### Introduction

Labor law is a labor law that contains rules of provisions regulating the rights and obligations in the legal relationship between workers (workers) and employers (employers/companies) in order to create an ideal work relationship that is expected and mutually harmless, which is contained in the employment agreement (Somadi et al., 2020).

Employment relations must always exist as long as human life exists. Humans always fight for the existence of their lives by trying and working, both in their businesses and with employers or entrepreneurs (Kahfi, 2016).

Human life is prosperous and cannot be separated from the economic level; of course, it reflects society, nation, and state where economic development grows well (Wildan, 2017). Then, it will undoubtedly make it easier to lead to an intelligent, advanced society so that the spirit of progress of the nation and state is getting stronger (Basofi & Fatmawati, 2023).

The progress of economic development will be seen from the number of open jobs and the absorption of labor; this is in line with the growth of growing and developing companies, such as production/manufacturing companies and companies engaged in service services (Kawet et al., 2021).

Economic development through company growth is an element of a nation's economic development, so to run a company, both production/manufacture and service companies, indeed cannot be separated from the availability of labor, and in addition to the availability of labor to support the increase in company development to increase the wheels of economic growth, it must also be supported by security stability, legal certainty and other factors that can help it to run well (Purwasih, 2017).

So, the relationship between the company and labor is well-established and inseparable; even labor is valued as a company asset (Marlinah, 2017). In addition to the growth of production / manufactory companies, companies engaged in service services, especially the growth of land transportation logistics transportation business, which is also proliferating, the increasing employment relationship in the field of land transportation logistics transportation between drivers as workers and land transportation logistics entrepreneurs as employers (Purwasih, 2017).

The workforce understood here starts from administrative personnel who manage bookkeeping, marketing personnel, warehousing workers, transportation fleet equipment workers/truck cars and driver workers, and other workers related to the core business of Land Transport Logistics Transportation Services (Djadjuli, 2018).

In this book, the author explicitly discusses drivers as the primary workforce in the core business of land transportation logistics transportation, then workers who run/drive a fleet of trucks as a means of transporting land transportation logistics are drivers as labor, so it must be regulated how the balance between driver rights and driver obligations should be ideally fulfilled by applicable laws and legal provisions (Mas & Ningsih, 2022).

However, before entering into the discussion of legal steps to resolve the problem of drivers' rights as laborers, the author first describes what a land transportation service business logistics transportation means and includes the nature and type of work that the land transportation service business is.

## **Research Methods**

This research method will apply a qualitative approach focusing on document analysis related to labor policy, especially in Indonesia's logistics land transportation sector. This research involves collecting and analyzing documents such as government regulations, company regulations, and related literature. The data obtained will be analyzed using an inductive approach to identify the main patterns and themes in the documents. The results of the analysis will be used as a basis for formulating policy recommendations to improve labor regulations in the sector, considering the interests of workers and companies.

## **Results and Discussion**

### **Understanding of Labour and Workforce**

Labor refers to individuals who are members of society at a working age. According to Law No. 13 of 2003, labor is an individual who can perform work that produces goods or services for personal or community needs. On the other hand, workers

work to receive rewards, and companies need them to carry out specific tasks. The relationship between employers and workers is based on the employment relationship built through an Employment Agreement. This agreement must contain the agreement of both parties, working conditions, workers' rights, and obligations, including wages, health benefits, and workers' obligations by applicable labor regulations (Indrasara, 2019).

In addition, the employment agreement must also contain information about the company, workers, position, workplace, amount of wages, terms of work, validity period of the agreement, and signatures of both parties. The employment agreement letter must be prepared in two copies with the same legal force. Employment relationships can be divided into Certain Time Work Agreements (PKWT) and Indefinite Time Work Agreements (PKWTT).

PKWT must be written in Indonesian and applied to specific jobs with a time limit, such as seasonal work. PKWT renewal or renewal can only be done once and for a maximum of two years. Meanwhile, PKWTT can have a three-month work probationary period, during which employers must pay wages by applicable regulations. If the probationary period is not stated in the employment agreement or appointment letter, then the probationary period is considered non-existent.

### **Rights and Obligations of Employers and Workers**

In labor relations, at least two parties, namely workers/workers and employers/employers/companies, have different roles, functions, and positions. Employer refers to an individual or entity that employs labor by paying wages or other benefits. Entrepreneurs can be defined as individuals, partnerships, or legal entities that run their own or non-owned companies, including those outside the territory of Indonesia. On the other hand, labor is individuals who can perform work to produce goods or services, both for personal and community needs, in accordance with applicable law.

In the context of an employment agreement, both parties have rights and obligations that must be regulated in accordance with applicable legal rules. Workers' rights cover various aspects, such as the right to equal opportunity and treatment, the right to rest and leave, the right to occupational health and safety, the right to a decent wage, the right to welfare, the right to freedom of association, the right to strike, and the right to severance pay in the event of termination of employment. In addition, there are special rights for female workers, such as the right to rest during menstruation, maternity leave, miscarriage leave, and the right to breastfeed children while working. Workers must understand this as part of a fair working relationship and by applicable legal provisions.

### **Types and Nature of Work**

Outsourcing, although not directly regulated in Article 64 to Article 66 of Law Number 13 of 2003 concerning Manpower, is still an essential topic in employment. Article 28 H paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 affirms the right to social security for complete personal development, and Article 41 paragraph (1) of Law Number 39 of 1999 concerning Human Rights emphasizes social security for the welfare of individuals and their families. However, there are no specific provisions regarding outsourcing labor, especially in distinguishing core and supporting

activities within the company. Moreover, ministerial decrees such as the Decree of the Minister of Manpower and Transmigration No: KEP-233/MEN/2003 concerning the Type and Nature of Work have not fully provided a clear picture of the types of work included in core and supporting activities.

In the context of work agreements, such as Certain Time Work Agreements (PKWT) and Indefinite Time Work Agreements (PKWTT), the regulations on permanent work in Article 59 paragraph (2) of Law No. 13 of 2003 are referenced. However, the emergence of this type of contracting system work adds complexity to the working relationship between companies. The contracting agreement, which regulates the subdivision of goods produced by the company, must consider the stipulated provisions, such as the seasonal nature of the work and clarity in the division of responsibilities between the production company and the labor service company. Nevertheless, clarity regarding the types of work included in the company's core and supporting activities remains a focus that has not been fully resolved.

### **Development of land transportation business Logistics in Indonesia**

#### **1. Land Transport Mode Logistics**

Freight forwarding, an activity with a long history in ancient records, shows a not very significant development in transportation technology from ancient times to the Renaissance. However, with the entry of the industrial era 4.0, logistics land transportation has undergone various changes. Currently, there are two main land transportation modes: container truck cars and trains. According to the Decree of the Minister of Manpower Number 94 of 2019, container truck drivers are considered permanent workers, hinting at the importance of more explicit regulations in the industry. Transportation management involves various parties, including shippers, recipients, transportation service provider companies, governments, and communities, each of which has a vital role in maintaining the smooth running of the transportation system. As stipulated in ministerial decrees, the establishment of national work competency standards has become a reference for compiling qualification levels and professional training in transportation and logistics.

#### **2. Nature and Types of Transport Work**

Transportation in a company plays an essential and fully responsible role in the movement of the availability of goods from the company to its customers. The logistics sector has many choices of types or modes of transportation available to support critical activities in the company's supply chain management.

Intermodal transportation uses multiple modes of transportation to move a shipment to its destination. Transportation managers have many choices in transportation management decisions, from the selection of the type of transportation mode, transportation service providers, and the level of service provided. The accuracy of shipping goods will help companies reduce the stock of goods, storage costs, and material handling. Effective and efficient management of transportation activities will ensure the delivery of goods from the company to customers on time, in the correct quantity, in the

right quality, and in the right recipient. In addition, transportation costs are a structured and measurable component of costs.

Based on data from the Central Statistics Agency (BPS) 2017, the number of goods vehicles reached 7.52 million units throughout Indonesia. Therefore, certifying driver competence is necessary, and it is also necessary to establish a database or data center about land transportation drivers with a focus on the safety of logistics transportation, especially on highway traffic. In addition, the fleet of cars/container trucks must be periodically tested by motor vehicles or KIR tests, which are certifications of the feasibility of trucks, but it turns out that many are counterfeited. Many cars are not by the rules.

### 3. Truck Driver as Driver Labor

The decree of the minister of labor, as referred to in article 85 of Law No. 13 of 2003 concerning manpower, namely the decree of the minister of labor number KEP-233 / MEN / 2003 of 2003 concerning the Type and Nature of work that is carried out continuously, as described in the first chapter, the driver in the land transportation service business of logistics transportation is the central labor, therefore the driver gets his full rights as stipulated in the provisions of the rules applicable labor legislation.

In Law Number 13 of 2003 concerning Manpower, Article 1 Number 30 states, "wages are the rights of workers/workers received and expressed in the form of money in return and employers or employers to workers/laborers. Every logistics transportation service company (land cargo) must have a permit from the authorized agency where the primary/main business is Logistics land transportation services, with work tools using trucks/containers. Meanwhile, to operate the truck/container car, a driver workforce must already have a General Class B driving permit granted by the Indonesian National Police Institution.

The rights of Driver Workers as the primary workers in the Logistics Transportation Service Business include Fixed Wage Rights according to the Provincial Minimum Wage (UMP), Health Cost Rights, Housing Costs, Holiday Allowance Rights (THR), and Leave Rights, plus workers' rights if the company and workers experience Termination of Work Relations (PHK), then workers are entitled to Severance Rights as stipulated in Article 156 of Law Number 13 of 2003 concerning Manpower.

Companies must balance the "need for speed" with the costs inherent in this mode of transportation. This includes rates charged for services, minimum weight requirements, loading and unloading facilities, packaging, possible damage in transit, and any special services that may be desired or required. If delivery is critical, the shipper will take advantage of a faster carrier, for example, by airplane, but will pay a higher price. So, the primary means in the logistics land transportation service business is a fleet of cars, container trucks, and other vehicle fleets.

According to the Civil Code, what is meant by a labor agreement is an agreement by which one party, the worker, binds himself to, under the orders of the other party, the employer, for a specific time, perform work by receiving wages. Thus, referring to Article

59 paragraph (3) of Law number 13 of 2003 concerning employment, employment agreements for a specific time cannot be held for permanent work.

### **System and Working Mechanism of Land Transportation Business Logistics**

Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Kep. 233 / Men / 2003 concerning the Type and Nature of Work carried out continuously. Regulation of the Minister of Transportation No. 60 of 2019 Regarding Implementing Freight Transportation by Motorized Vehicles on the Road by the Grace of God Almighty Minister of Transportation of the Republic of Indonesia CHAPTER IX vehicle crew. Article 77 (1) Drivers and backup drivers of Freight Cars transporting particular goods shall have competence by the nature and form of the particular goods transported based on the International Standard Competency Test. (2) Competency, as referred to in paragraph (1), shall be obtained through basic training based on International Standards. (3) Basic training, as referred to in paragraph (2), shall contain at least the knowledge of:

1. General requirements on the carriage of particular goods;
2. The main types of hazards in the transportation of specialized goods;
3. Environmental protection in handling waste transportation;
4. Proper preventive and safety measures for this type of danger;
5. Emergency procedures after an accident include first aid, road safety, essential assistance on the use of protective equipment, and written instructions;
6. Provision of placards, labels, and marks on Freight Transportation;
7. Actions that drivers should and should not take during the transport of Dangerous Goods;
8. Method of operation of the technical equipment of the Freight Car;
9. Prohibition of loading of mixtures in Freight Cars or similar containers
10. Precautions to be taken during loading and unloading of goods
11. General information about the responsibilities of public transport companies
12. Storage and handling of unique items in mean
13. Traffic restrictions in the tunnel include accident prevention and measures in case of fire.

Based on the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Kep. 233 / MEN / 2003 and Ministerial Regulation No. 60 of 2019 concerning the Implementation of Freight Transportation by motorized vehicles on the highway, the status of the driver as a driver is the nature of the work carried out by the direct workforce at the core of the business. Therefore, the driver is the leading workforce because he is directly responsible for the safety and security of truck travel while on the way to the destination and vice versa from the destination point to the departure point.

Because the nature of the driver's work as a driver is direct labor at the core of the business, the completeness of work facilities by applicable laws and regulations must be

met; aiming for work safety means all losses incurred due to work accidents, the company or employer is responsible as stated above.

### **Land Transportation Logistics Business System and Mechanism**

Logistics management of all scheduling involved (activities, facilities, and personnel) in organizing and using the resources necessary to ensure the effective and efficient implementation of transportation on logistics services, hence the accuracy/acquisition, scheduling, and management of facilities, personnel, and materials necessary to support and maintain the operation of transportation services.

Decree of the Minister of Transportation No 171/2019 regulates public transport drivers' work competency standards. Therefore, the implementation of the Indonesian National Work Competency Standard for the Transportation and Warehousing Category of the Main Group of Land Transportation and Transportation through the pipeline in the motorized transportation driving field contains the Indonesian National Work Competency Standard (SKKNI). "It is perfect if the Ministry of Transportation can issue Certification Standards for land transportation drivers, but do not just stop there; you must be able to monitor the implementation of the competency certification,"

In line with the decision of the Minister of Transportation, the Ministry of Transportation should create a database of drivers/drivers of container trucks/trailer and the existence of a Certification and Training Body for drivers, cheap and professional," by the rules of the legislation.

An effective and efficient logistics system should be able to reduce this in-transit inventory to a minimum. Information and communication technology will be able to make significant improvements in access to in-transit inventory and the status of arrival of shipments accurately at both location and delivery time. In addition to the transportation function in the movement of products, product storage is another rarely seen aspect of the transportation function.

In the logistics business, land transportation has a system of stages of work called procedural procedures. The procedure comes from the English "procedure," which is interpreted as a procedure or manner. In the Management Dictionary, procedure means the procedure for doing work that is formulated and is mandatory. Usually, procedures include how, when, and by whom the task must be completed. Work procedures are made to expedite every work done by agencies or companies to achieve goals or objectives.

Procedures relate to stages or steps related to each other in order to complete work and achieve goals. A transportation system is a physical link that connects customers, raw material suppliers, plants, warehouses, and channel members. It is a fixed point in the logistics supply chain and delivers goods to the destination address with a fleet of container/trailer trucks where the driver is a driver.

### **Ideal working time for Ground Transport Logistics drivers.**

The rapid development of land transportation logistics service business must also be in line with the development of regulations specifically regulating labor relations in the field of land transportation logistics transportation between drivers and entrepreneurs to create mutually beneficial mutual harmony between driver workers and land

transportation logistics entrepreneurs in carrying out the business of land logistics expedition companies, especially using a fleet of trucks Container.

Law Number 13 of 2003 concerning Manpower distinguishes between business or main activities and supporting activities. In practice in the industrial sector, outsourced workers are generally not supporting activities (non-core business), so there are potential problems arising related to the makers of Law Number 13 of 2003 concerning Manpower regarding core and non-core activities in a company, related to drivers. \What is the nature of continuous work, and how does it regulate the rights and obligations of drivers with employers during work, for example, the rights of workers/drivers in this case regarding working hours, and others? Based on the previous description or above and by Law No. 13 of 2003 Article 85 paragraph (4), Jo. Decree of the Minister of Manpower and Transmigration No: KEP-233 / MEN / 2003 of 2003 concerning works carried out continuously are as stipulated in Article 3 paragraph (1). The works in question are:

- a. Job in the field of health services
- b. Transportation service jobs
- c. Work in the field of improvement of transportation services
- d. Paratourism business jobs
- e. , Work in the field of Post and Telecommunication Services
- f. I work in electricity supply, clean water service network (PAM), and fuel oil and gas supply.
- g. Work in self-service businesses, shopping centers, and the like.
- h. Mass media jobs
- i. Security field work
- j. Work in the field of conservation institutions
- k. Works that, if stopped, will disrupt the production process, damage materials, and include maintenance/repair of production equipment.

By Article 3 paragraph (1) letter b above, land transportation drivers of logistics transportation enter the nature and type of permanent workers, then the rights and obligations in labor relations, one of which includes regarding labor working hours, must undoubtedly be by the rules of applicable laws and regulations if working hours are not regulated properly, it can hurt work safety. So according to Article 3 paragraph (1) of kepmaker-trans number KEP-233 / MEN / 2003 of 2003 working hours inland transportation services, there must be precise arrangements.

Companies that do not classify the main work (core business) and supporting work of the company (non-core business) are a form of inconsistency (violation) of the rules of the provisions determining the type and nature of the business, whether the main business or supporting of a company. The absence of classification of the nature and type of work will result in workers/laborers being employed for the kinds of essential work or work directly related to the production process, not supporting activities as required by law.

### **Labor Dispute Resolution Land Transportation Logistics**



Industrial Relations Disputes are differences of opinion that result in conflicts between employers or combinations of employers and workers/workers or trade unions/trade unions due to disputes over rights, disputes of interest, disputes over termination of employment, and disputes between trade unions/trade unions in one company.

Rights disputes are disputes arising from non-fulfillment of rights due to differences in implementation or interpretation of the provisions of laws and regulations, work agreements, company regulations, or collective labor agreements. Conflicts of interest are disputes arising in employment relations due to the absence of conformity of opinions regarding the making, and changes in the terms of work stipulated in the employment agreement, or company regulations, or collective labor agreement;

A termination dispute arises from the absence of conformity of opinion regarding the termination of the employment relationship by one of the parties. Disputes between trade unions/trade unions are disputes between trade unions/trade unions and other unions/trade unions in only one company because there is no agreement on understanding of membership, implementation of rights, and obligations of trade unions. Worker/laborer is any person who works by receiving wages or other forms of remuneration;

Bipartite negotiations are negotiations between workers/workers or trade unions/trade unions with employers to resolve industrial relations disputes. The Industrial Relations Court is a special court established within the district court that has the authority to examine, adjudicate, and give judgment on industrial relations disputes. This is by Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes.

#### **Stages of Problem-Solving Steps.**

Labor disputes are common due to a mismatch between the level of welfare and the burden of job responsibilities or because of differences in interests between employers and workers. For example, inconsistent and regular working hours are associated with a level of welfare that does not support workers in carrying out work optimally, which can hurt work safety.

Bringing problems or disputes to legal channels, it is recommended both to employers and for workers, especially drivers as workers who drive taller container trucks, if you submit claims to the company where you work, you should first prepare the following stages;

1. The first stage. Collecting/mentalizing every document file belonging to workers proves that we are correct as workers in the company where they work. For example, proof of Work Agreement, worker identification card, Social Security / BPJS labor, proof of work attendance, and document files done during the first three months and last three months of work, such as road orders (SPJ) driving trucks taller container, sleep wages/salaries for the last 3 (three) months and others
2. Second stage. Formulating and determining the subject matter in a written way, in formulating problems, it is necessary to tell the chronology of the events of a situation that occurred since the beginning of the event, often called the cause and effect of an

event, then losses arising from rules that are not fulfilled by both the company and the workers themselves so that the event of a problem occurs or a dispute arises.

3. Third stage. File a claim of objection in writing or bias verbally to the company or employer regarding the material points of dispute and interests incompatible between workers and the company. The company will provide a response or answer. If the company has not or does not provide a response or answer, provided that the submission of objection claims has been submitted correctly and proof of submission to the company, then the worker can then submit a request for dispute mediation to the Manpower and Transmigration Office of the jurisdiction where the worker works.

### **I am conducting a bipartite consultation.**

It is good if a company already has good management. Every complaint or demand of workers is responded to immediately because the management team understands that workers are a company's assets.

So, in the problem of rights and interests disputes raised by workers, the company responds with the term bipartite; at this stage by discussing rights disputes or interest disputes between workers and the company can be adequately resolved, but if at the discussion stage, there is no meeting point or there is no solution to the solution, the workers can continue the problem at the Manpower and Transmigration Office of the area where the worker is work, by submitting in writing what the subject matter of the dispute to be recorded at the Manpower office to resolve it is. Then, the Manpower and Transmigration Office invites the company and the workers to negotiate/discuss between the company, the workers, and the Manpower and Transmigration Office related to the problems raised by these workers called the Tripartite.

In negotiating the resolution of Tripartite disputes at the Manpower and Transmigration Office, where workers work, Labor Relations Disputes will be led by the Industrial Relations Dispute Mediator at the Manpower Office. The mediator receives and listens to the statements regarding the dispute and considers all statements accompanied by evidence submitted by the workers and the company; then, the mediator will make and provide recommendations to the parties, namely the company and the workers, to be implemented. Suppose one party or both parties do not accept or disagree with the contents of the advice issued by the mediator at the employment office. In that case, the parties or one of the parties may file a lawsuit at the Industrial Relations Court at the District Court in which jurisdiction the workforce is employed or at the Industrial Relations Court in the District Court where the jurisdiction of the Company's Head Office is addressed, If the company concerned is, for example, a foreign company, then the lawsuit is carried out in the Industrial Relations Court at the Central Jakarta District Court.

### **She filed a lawsuit at P.H.I. at the District Court.**

The recommendation issued by the workforce office that has been mediated is called tripartite. Then, time is given to both parties to respond and decide whether to accept or reject the recommendation. A mutual settlement agreement is made before the tripartite officer if both accept. If one refuses, further proceedings can be carried out

through the industrial relations court in the district court where the worker works or tripartite.

The lawsuit is made in writing (even though it can be submitted orally but will still be made in writing by the clerk) by explaining clearly, in detail, the basis of the reasons for the lawsuit (*posita*) and claim (*petite*) and all the reasons for the events described in the lawsuit must be proven and interrelated so that before registering a lawsuit, complete the evidence to strengthen so that the claim can be granted.

After the lawsuit is registered, the court will summon the parties, namely the plaintiff and defendant (the defendants and co-defendants), by sending the first court summons, namely by the reading of the lawsuit preceded by a check on the completeness of the identities of the parties by the judge who heard the case, then continues and usually the trial schedule is carried out once a week. Still, the schedule may change, which is continued on the agenda of answer-jinawab (Answer to the lawsuit, Replica to the answer, and Duplik to the replica) between the plaintiff and the defendant until the evidentiary agenda and witnesses. The plaintiff and defendant submit conclusions, and then the judge will decide the lawsuit case.

Against the verdict pronounced by the panel of judges in the trial, if the plaintiff and defendant accept the result of the judgment, the execution of the judgment through the bailiff is carried out by order of the court decision, namely the decision of the judge who heard the case, and execution to carry out the decision. However, suppose one of the parties does not accept the results of the judge's decision pronounced in the trial. In that case, it can make a Cassation effort (in PHI, there is no appeal) through cassation; this is a form of speedy trial and light costs for labor cases that are not too complicated as complicated cases in general. Then, the Court of Cassation will receive and submit the cassation file from the PHI of the first district court. Then, the appointed Cassation Judge will examine and decide and then send it back to the PHI of the first Court to be submitted to the parties, namely the plaintiff and defendant. If the decision of the industrial relations court in the district court has permanent force, then execution is carried out—execution/Execution of Permanent Force Decision (*Inkrackh*).

## **Conclusion**

Legal steps in resolving labor relations problems (drivers) in logistics and land transportation companies include examination of employment contracts, consultation with legal experts to understand rights and obligations, peaceful negotiations between related parties, mediation or arbitration as an alternative dispute resolution, the possibility of filing a lawsuit to the court if negotiations fail, and monitoring and enforcement of rights after settlement. By following these steps, it is hoped that the problem can be resolved relatively and by applicable legal provisions that benefit both parties.

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