

The Position of Collective Labor Agreements in Guaranteeing Legal Certainty of the Rights of Outsourced Workers in Indonesia

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Abstract.

Collective Labour Agreements (CLA) constitute one of the essential instruments in the Indonesian industrial relations system. Beyond functioning as a product of collective bargaining between employers and trade unions, a CLA also serves as a legal instrument aimed at ensuring legal certainty regarding the rights and obligations of both parties in employment relations. In practice, however, legal protection for outsourced workers remains a significant issue, particularly due to their vulnerable employment position, contractual uncertainty, and limited bargaining power. This study examines the position of Collective Labour Agreements in guaranteeing legal certainty for outsourced workers' rights in Indonesia. Employing a normative legal research method with statutory, conceptual, and case approaches, this study analyzes relevant legislation, legal doctrines, judicial decisions, and scholarly works concerning industrial relations and outsourcing arrangements. The findings indicate that Collective Labour Agreements possess a strategic position as a source of labour law capable of strengthening legal protection beyond the minimum standards established by legislation. Nevertheless, the effectiveness of such agreements in protecting outsourced workers remains constrained by the absence of explicit clauses, unequal bargaining positions, and inconsistencies in implementation. Therefore, strengthening the substance of Collective Labour Agreements is necessary to ensure greater legal certainty and protection for outsourced workers within the Indonesian industrial relations framework.

Keywords: *Collective Labour Agreement, Legal Certainty, Outsourcing Workers, Labour Protection and Industrial Relations.*

I. INTRODUCTION

Industrial relations are essentially a system of relationships formed between workers, employers and the government in the process of producing goods and services based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia.¹The industrial relations system aims to create a balance of interests between workers and employers, thereby creating a harmonious, dynamic, and equitable working relationship. In a welfare-oriented legal state, worker protection is a state responsibility, realized through the establishment of various labor law instruments.²

The increasingly competitive business world is encouraging companies to implement various efficiency strategies, one of which is through the use of outsourcing systems.³The outsourcing system is basically a mechanism for handing over part of the work to another company through a work contract or provision of worker services.⁴The existence of this system is seen as being able to increase the company's operational efficiency, strengthen focus on core business activities, and increase the company's competitiveness in facing global economic dynamics.

However, outsourcing practices also raise various legal and industrial relations issues. Outsourced workers are often in a more vulnerable position than permanent workers due to uncertain employment relationships, limited rights protections, and a weak bargaining position in defending their interests.⁵Various

Problems that frequently arise include unclear employment status, differences in treatment in wages and welfare, limited access to career development, and issues of rights protection when there is a change in the company providing labor services.

Changes to employment regulations through Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law further emphasize the existence of the outsourcing system in Indonesian industrial relations.⁶ However, these regulatory changes have not been able to fully address the various legal protection issues faced by outsourcing workers in practice.

In the context of worker protection, the Collective Labor Agreement has a very strategic position.⁷ The PKB not only functions as the result of collective bargaining between employers and workers' unions, but also functions as a legal instrument that regulates working conditions, the rights and obligations of the parties, and the mechanism for resolving industrial relations disputes.⁸ The existence of PKB allows for the formation of work norms that are more beneficial to workers than the minimum standards set by statutory regulations.⁹

Theoretically, PKB can be an effective means of strengthening legal protection for outsourcing workers.¹⁰ Through collective labor agreements (PKB), the parties can formulate various provisions related to guarantees for the rights of outsourced workers, protection in the event of a change in service provider, dispute resolution mechanisms, and improved welfare standards. However, in practice, not all PKBs adequately address the needs of outsourced workers, creating legal uncertainty in their implementation.

Most previous research has focused more on the legal aspects of outsourcing, the protection of outsourced workers' rights following the enactment of the Job Creation Law, and the legal relationship between workers and labor service providers.¹¹ Meanwhile, studies specifically addressing the role of Collective Labor Agreements (CLAs) as instruments guaranteeing legal certainty for the rights of outsourced workers are still relatively limited. Yet, CLAs are legal instruments at the implementation level and have the potential to provide more concrete protection than normative provisions in legislation. Based on these conditions, this research is important to be conducted in order to analyze the position of the Collective Labor Agreement in the Indonesian industrial relations system, examine its implementation in guaranteeing legal certainty for the rights of outsourcing workers, and formulate a model for strengthening the Collective Labor Agreement that is able to provide more effective legal protection for outsourcing workers.¹²

I. THEORETICAL STUDY

Legal certainty is one of the main objectives of law besides justice and benefit.¹³ From the perspective of a state based on the rule of law, legal certainty is an instrument that provides assurance that the law will be applied consistently, predictably, and provide protection for the rights of every citizen.¹⁴ Without legal certainty, the law will lose its function as a means of regulating community life because it is unable to provide clear behavioral guidelines for legal subjects.

Gustav Radbruch placing legal certainty as one of the three basic legal values that must be realized in every legal system.¹⁵ According to Radbruch, law must be able to create order through clear norms so that society can clearly understand its rights and obligations. Legal certainty requires rules that can be applied consistently without being influenced by subjective factors or vested interests.

In employment relations, legal certainty is crucial because it protects workers' rights and employers' interests. Legal certainty ensures that workers' normative rights will be implemented in accordance with applicable regulations, while employers receive certainty regarding their obligations within the employment relationship. Therefore, every employment legal instrument must be able to create legal certainty for all parties involved in industrial relations.

Jan Michiel Otto explained that legal certainty can be measured through several indicators, namely the availability of clear, consistent, easily accessible legal regulations, consistently implemented by authorized institutions, and able to provide protection for the rights of the community.¹⁶ If these indicators are linked to the outsourcing system, then legal certainty does not only depend on the existence of laws and regulations, but also on the implementation of norms that regulate the working relationship between workers, service provider companies, and user companies.

Thus, legal certainty not only serves as a means of creating clarity and order in legal relations, but also serves as a crucial prerequisite for effective legal protection. Without certainty regarding the rights, obligations, and responsibilities of the parties, legal protection will be difficult to achieve optimally because there is no clear basis for guaranteeing and enforcing the rights of legal subjects.

Legal protection is a concept related to efforts to provide protection for the rights of legal subjects from various forms of violations and arbitrary actions.¹⁷ In a state based on the rule of law, legal protection is one of the main functions of the law, which aims to ensure that citizens' rights are fulfilled fairly and proportionally.

Philippus M. Hadjon distinguishes legal protection into two forms, namely preventive legal protection and repressive legal protection.¹⁸ Preventive legal protection is provided before a violation of the law occurs through the establishment of norms that regulate the rights and obligations of the parties.¹⁹ Meanwhile, repressive legal protection is provided after a violation of the law occurs through dispute resolution and law enforcement mechanisms.²⁰

In employment relations, preventive legal protection is realized through the establishment of various laws and regulations, employment agreements, company regulations, and Collective Labor Agreements. These instruments serve to provide guidance regarding the rights and obligations of the parties, thereby minimizing the potential for violations. Repressive legal protection is realized through industrial dispute resolution mechanisms, including bipartite negotiations, mediation, conciliation, arbitration, and the Industrial Relations Court.

Outsourced workers are a group of workers who face a lower risk of legal protection compared to permanent workers. This vulnerability is caused by the indirect nature of the employment relationship, the involvement of third parties in the employment relationship, and the workers' relatively weak bargaining position. Therefore, a legal instrument is needed to strengthen the protection of outsourced workers' rights, one of which is through a Collective Labor Agreement. In this study, the theory of legal protection is used to assess the extent to which the Collective Labor Agreement (PKB) can function as an instrument of legal protection for outsourced workers, both in the form of preventive and repressive protection.

II. RESEARCH METHODS

This research is a normative legal study aimed at analyzing the role of Collective Labor Agreements (CLAs) in ensuring legal certainty for the rights of outsourced workers in Indonesia. This normative legal study was chosen because it focuses on legal norms governing industrial relations, particularly those related to CLAs and the protection of outsourced workers.

The approaches used in this research include a statutory approach and a conceptual approach. The statutory approach is conducted by examining various regulations related to industrial relations, collective

labor agreements (PKB), and outsourcing, including the 1945 Constitution of the Republic of Indonesia, Law Number 6 of 2023 concerning Job Creation, Government Regulation Number 35 of 2021, and various other implementing regulations. The conceptual approach is used to examine the concepts of legal certainty, legal protection, industrial relations, and collective bargaining as they develop within labor law doctrine.

The legal materials used consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant laws and court decisions. Secondary legal materials consist of labor law books, scientific journals, research results, and expert opinions. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and various other supporting sources.

The legal material collection technique was conducted through library research, which involved inventorying, identifying, and reviewing all legal materials relevant to the research object. Next, the collected legal materials were analyzed qualitatively through legal interpretation, norm systematization, and legal reasoning to obtain comprehensive conclusions regarding the role of the Collective Labor Agreement (PKB) in ensuring legal certainty for the rights of outsourced workers in Indonesia.

This research is based on the assumption that Collective Labor Agreements (CLAs) hold a strategic position in the industrial relations system because they fill gaps not specifically addressed in legislation. In the context of outsourced workers, CLAs are expected to provide more concrete legal protection through regulations regarding workers' rights, employment protection mechanisms, welfare guarantees, and dispute resolution.

To analyze these problems, this study uses the theory of legal certainty as a tool to measure the extent to which the PKB is able to provide clarity, consistency, and protection for the rights of outsourced workers.²¹In addition, the theory of legal protection is used to assess the effectiveness of the PKB in providing protection to outsourced workers both before and after a rights violation occurs.²²

III. RESULTS AND DISCUSSION

A. Concept of Collective Labor Agreement

Collective Labor Agreement is one of the main instruments in the modern industrial relations system.²³Legally, the PKB is the result of negotiations between a workers' union or labor union and an employer or association of employers which contains the terms of employment, rights and obligations of the parties.²⁴and other provisions relating to employment relations. The existence of the Collective Labor Agreement (PKB) reflects the principles of industrial democracy because the norms contained therein were created through a collective bargaining process between workers and employers.²⁵Thus, PKB not only has a legal function, but also a social and economic function in creating harmonious industrial relations.

In the Indonesian labor law system, collective labor agreements (PKB) hold a crucial position as one of the legal sources governing employment relations at the company level. The provisions contained in PKBs bind employers, employees, and all parties involved in the employment relationship within the company. Therefore, PKBs play a strategic role in bridging the gap between general norms stipulated in legislation and the specific needs that arise within the company environment.

PKB also functions as an instrument to improve workers' welfare.²⁶Through collective bargaining mechanisms, parties can agree on various provisions that provide greater benefits than the minimum standards established by law. Thus, collective bargaining agreements (PKB) serve as a means of achieving social justice in industrial relations.

B. The Concept of Outsourcing in Indonesian Labor Law

Outsourcing is a system of handing over part of the work to another company based on a specific agreement.²⁷ In modern business practices, outsourcing is used as a strategy to increase the efficiency and effectiveness of company operations.²⁸ Through this system, companies can focus their resources on core business activities without having to manage all types of work directly.

In the development of Indonesian labor law, outsourcing has undergone various regulatory changes. The outsourcing provisions, originally stipulated in Law Number 13 of 2003 concerning Manpower, were subsequently amended by Law Number 11 of 2020 concerning Job Creation, which was subsequently enacted as Law Number 6 of 2023.²⁹

These regulatory changes demonstrate that the government continues to recognize outsourcing as part of the industrial relations system. However, the government also places the obligation to protect workers as a principle that must not be ignored in implementing outsourcing. Conceptually, the employment relationship in an outsourcing system involves three parties: the worker, the labor provider, and the user company.³⁰ This legal relationship structure often raises questions about the responsibility for protecting workers' rights. In many cases, outsourced workers have difficulty obtaining certainty regarding their normative rights due to conflicting interests between the service provider and the user company.

This situation demonstrates that the existence of laws and regulations alone is insufficient to guarantee legal protection for outsourced workers. Therefore, additional instruments are needed that can regulate workers' rights in more detail and implementably, one of which is the Collective Bargaining Agreement.

C. The Position of Collective Labor Agreements in the Indonesian Industrial Relations System

The Collective Labor Agreement (PKB) is one of the fundamental instruments in Indonesia's industrial relations system.³¹ Its existence is not only seen as the result of an agreement between employers and labor unions, but also as a legal norm binding the parties in an employment relationship. From an employment law perspective, a collective labor agreement (PKB) occupies a strategic position because it serves as a means of translating statutory provisions into operational norms that can be directly applied within the company environment.³²

Indonesia's industrial relations system is basically built on the principle of partnership between workers, employers and the government.³³ These three elements have distinct but interrelated roles in creating harmonious, dynamic, and equitable employment relationships. Within this framework, the collective bargaining agreement serves as an instrument that bridges the interests of workers and employers through collective bargaining mechanisms.

Historically, the birth of the collective bargaining agreement (PKB) concept is inseparable from the development of the labor union movement, which demanded a more balanced bargaining mechanism with employers. Individual bargaining often places workers in a weak position due to the imbalance of economic and social power between them and employers.³⁴ Therefore, collective bargaining through trade unions is seen as a more effective means of fighting for workers' rights while creating stability in industrial relations. In the Indonesian legal system, the legitimacy of collective labor agreements (PKB) is granted directly by statutory regulations. The provisions regarding collective labor agreements (PKB) affirm that the results of negotiations between unions and employers are as binding as other internal company norms. Even in industrial relations practice, many aspects not specifically regulated by statutory regulations are further regulated through collective labor agreements (PKB). The PKB's position as a source of labor law demonstrates that labor law is not solely shaped by the state through regulations, but also by the parties

involved in the employment relationship.³⁵ This condition reflects the character of modern employment law which recognizes the importance of worker and employer participation in the formation of legal norms that are appropriate to the needs of companies and evolving working conditions.

From a legal certainty perspective, a collective labor agreement (PKB) plays a crucial role because it provides clarity regarding the rights and obligations of the parties. The norms contained in a PKB generally regulate various aspects of the employment relationship, such as wages, working hours, leave, social security, occupational safety and health, dispute resolution, and various other welfare benefits. With these more detailed regulations, workers and employers receive clear guidelines for implementing the employment relationship.

Apart from providing legal certainty, PKB also functions as a legal protection instrument.³⁶ This is evident in its ability to provide better standards of protection than the minimum requirements stipulated in legislation. In many companies, various additional employee rights, such as health benefits, education benefits, housing assistance, and other welfare programs, are actually created through the collective labor agreement mechanism.

The existence of a collective labor agreement (PKB) is also crucial in preventing industrial relations disputes. Clauses developed through negotiation allow parties to more clearly understand their rights and obligations, thereby minimizing the potential for conflict. Even when disputes do arise, the PKB often serves as the primary reference for resolving them because it contains provisions that specifically apply to the company.

Thus, it is understandable that the CLA is not simply an administrative document fulfilling a company's legal obligations, but rather a normative instrument with a strategic role in achieving legal certainty, legal protection, and stable industrial relations. This position becomes even more crucial when linked to the protection of outsourced workers, who face a higher level of vulnerability than permanent workers.

D. Implementation of Collective Labor Agreements to Ensure Legal Certainty for the Rights of Outsourced Workers

Legal certainty is one of the fundamental principles in a state based on law which aims to provide guarantees for the recognition, protection and fulfillment of the rights of legal subjects.³⁷ In the context of industrial relations, legal certainty is crucial because it affects the continuity of employment relationships, the protection of workers' rights, and the stability of business activities. For outsourced workers, legal certainty is even more significant because their position tends to be more vulnerable than that of permanent employees.

The outsourcing system essentially creates a legal relationship that is different from conventional employment relationships.³⁸ In a regular employment relationship, there is a direct relationship between the employee and the employer. In contrast, in an outsourcing system, a third party, a labor provider, is involved, acting as the formal employer for the employee.³⁹ This legal relationship structure often creates ambiguity regarding which party is responsible for fulfilling workers' rights when rights violations or industrial relations disputes occur.

These issues become more complex when there is a change in the labor supply company. In industrial relations practice in Indonesia, many outsourced workers lose certainty regarding the continuity of their employment relationship, length of service, severance pay, and various other normative rights when their employer changes labor supply providers.⁴⁰ This condition shows that the existence of employment regulations alone is not fully capable of providing optimal protection for outsourcing workers.

In such a situation, the Collective Labor Agreement has the potential to become an instrument capable of filling the regulatory gap and strengthening legal protection for outsourced workers.⁴¹ Through a collective labor agreement (PKB), the parties can formulate various provisions specifically governing the protection of outsourced workers according to the company's needs and characteristics. In other words, a collective labor agreement (PKB) serves as a normative instrument that connects general provisions in laws and regulations with the concrete needs that arise in industrial relations practice.⁴²

The implementation of collective labor agreements (PKB) in ensuring legal certainty for the rights of outsourced workers can be seen from several aspects. First, there is certainty regarding workers' economic rights. In many companies, collective labor agreements (PKB) regulate in greater detail wage standards, allowances, bonuses, welfare facilities, and wage adjustment mechanisms. These regulations provide clarity for workers regarding the rights they will receive during the employment relationship. For outsourced workers, this clarity is crucial to prevent discrimination between outsourced workers and permanent workers performing similar work.

Second, certainty regarding social security protection for workers. One of the problems frequently faced by outsourced workers is the suboptimal implementation of company obligations to register them for social security programs. In some cases, outsourced workers do not receive adequate protection in terms of work accident insurance, death insurance, or old-age security. If the collective labor agreement (PKB) explicitly stipulates the company's obligation to guarantee outsourced workers' participation in social security programs, the risk of workers' rights violations can be minimized.

Third, certainty regarding occupational safety and health. In outsourcing practices, many workers are placed in sectors with high occupational risks, such as manufacturing, mining, plantations, transportation, and security services. Therefore, collective labor agreements (PKB) can serve as an instrument that reinforces the company's obligation to provide adequate occupational safety and health protection for all workers, regardless of their employment status.

Fourth, certainty regarding dispute resolution mechanisms. One of the advantages of a collective labor agreement (PKB) over legislation is its ability to regulate more detailed dispute resolution procedures tailored to the specific characteristics of the company. When disputes arise regarding the rights of outsourced workers, the existence of a clear dispute resolution mechanism can provide legal certainty for the parties and prevent the escalation of industrial relations conflicts.

However, the implementation of collective labor agreements (PKB) to guarantee legal certainty for the rights of outsourced workers still faces various obstacles. One major obstacle is that not all companies have collective labor agreements (PKB). In Indonesia, the existence of collective labor agreements (PKB) is highly dependent on the existence of qualified labor unions to negotiate with employers. As a result, many companies still rely solely on company regulations without engaging in collective bargaining mechanisms.

Another obstacle is the substance of collective labor agreements (PKB), which do not fully accommodate the interests of outsourced workers. Many PKBs focus more on regulating the rights of permanent workers, while outsourced workers lack adequate provisions. This situation leaves outsourced workers in a vulnerable position even though the company has a PKB.

Furthermore, the weak bargaining power of outsourced workers is also a factor affecting the effectiveness of collective labor agreements (PKB). In many cases, outsourced workers are not union members or face difficulties in participating in the PKB negotiation process. As a result, their interests are often not optimally accommodated in the substance of the resulting PKB.

Another issue relates to oversight of the implementation of collective labor agreements (PKB). It's not uncommon to find situations where companies don't consistently implement the clauses agreed to in PKBs. Weak oversight by labor agencies and limited worker access to rights enforcement mechanisms reduce the effectiveness of PKBs as legal protection instruments.

From the perspective of legal certainty theory, these various issues demonstrate that the mere existence of legal norms is insufficient to create legal certainty. Legal certainty can only be achieved if the established norms are consistently implemented and supported by effective oversight mechanisms. Therefore, the success of the collective labor agreement (PKB) in ensuring legal certainty for the rights of outsourced workers is determined not only by the quality of its regulatory substance, but also by the commitment of the parties to implementing the agreed-upon provisions.

Thus, it can be concluded that collective labor agreements (PKB) have enormous potential as a legal protection instrument for outsourced workers. However, their effectiveness is still influenced by various factors, ranging from the quality of the PKB's substance, the strength of workers' bargaining power, union involvement, and the effectiveness of oversight of its implementation. This situation demonstrates the need for efforts to strengthen PKBs so that they can function optimally in ensuring legal certainty for the rights of outsourced workers in Indonesia.

E. A Model for Strengthening Collective Labor Agreements to Improve Legal Protection for Outsourcing Workers

The increasingly flexible structure of employment relations, driven by developments in the business world, demands legal protection instruments that accommodate the interests of all parties in industrial relations. The outsourcing system, one form of flexible employment relations, continues to generate debate, particularly regarding the protection of workers' rights. Although various regulations have been established to govern the implementation of outsourcing, empirical evidence shows that outsourced workers still face various issues related to uncertainty in employment relations, the protection of normative rights, and limited access to employment benefits.⁴³

In this context, Collective Labor Agreements (CLAs) have strategic potential to strengthen the legal protection of outsourced workers. However, for this function to function optimally, strengthening both the substance and implementation of CLAs is necessary. This strengthening must be aimed at creating a balance between the need for business flexibility and protecting the rights of workers, who are economically disadvantaged in the employment relationship.

1. Strengthening the Substance of the Collective Labor Agreement

One weakness identified in various collective labor agreements (PKB) is the lack of specific provisions for the protection of outsourced workers. Most PKBs are still oriented toward permanent employees, so outsourced workers haven't received adequate attention. This situation results in many of the problems faced by outsourced workers not being resolved through the PKB mechanism. Therefore, the first strengthening that needs to be done is to include special clauses regarding outsourcing workers in the PKB.⁴⁴ The clause must at least regulate several important aspects, namely:

- a. Guarantee of non-discrimination in the provision of wages and work facilities;
- b. Certainty of participation in social security programs for employment and health insurance;
- c. Occupational safety and health protection equivalent to that of permanent workers;
- d. Mechanism for protecting workers' rights when there is a change in the company providing manpower services;
- e. Dispute resolution mechanisms accessible to outsourced workers;
- f. Obligations of user companies and service provider companies to ensure the fulfillment of workers' rights.

More detailed regulations regarding these aspects will strengthen the legal position of outsourcing workers and provide better legal certainty in the implementation of employment relationships.

2. Strengthening the Role of Trade Unions in Representing Outsourced Workers

The success of a collective bargaining agreement (PKB) depends heavily on the quality of the negotiation process undertaken by the parties. In industrial relations practice, outsourced workers are often

not actively involved in the negotiation process because they are not union members or because their position is outside the primary employment structure of the user company.

This situation results in the interests of outsourced workers being poorly addressed in the substance of the collective labor agreement. Therefore, it is necessary to strengthen the role of labor unions so that they can act as representatives of all workers, including outsourced workers employed by companies.

Trade unions should be given greater space to identify the needs of outsourced workers and advocate for them in the collective labor agreement negotiation process.⁴⁵ Thus, the PKB is not only a protection instrument for permanent workers, but is also able to reach groups of workers who have been in vulnerable positions.

3. Strengthening Supervision of PKB Implementation

Another frequently encountered problem is the suboptimal implementation of collective labor agreement provisions at the company level. In many cases, the rights guaranteed in collective labor agreements are not consistently enforced, creating legal uncertainty for workers.

To address these issues, a more effective oversight mechanism for the implementation of collective labor agreements is needed. This oversight should not only be carried out by labor agencies but also involve labor unions and bipartite cooperation institutions within the company.

Strengthening supervision can be done through:

- a. Periodic evaluation of PKB implementation;
- b. Provision of complaint mechanisms that are easily accessible to workers;
- c. Increasing the role of labor inspectors;
- d. Imposing strict sanctions for violations of PKB provisions.

Through this mechanism, the norms agreed upon in the PKB can be implemented more effectively so that the goal of legal protection can be achieved.

4. PKB Model Based on Legal Protection and Certainty of Rights

Based on the various problems that have been described, this study offers a model for strengthening PKB based on legal protection and certainty of the rights of outsourced workers.

The model is built on four main pillars, namely:

1. Certainty of Status and Employment Relations

The PKB must contain clear regulations regarding the position of outsourcing workers, the rights inherent in the employment relationship, and the responsibilities of each party involved in the employment relationship.

2. Equal Protection of Rights

The PKB must guarantee that outsourced workers receive basic rights protection equal to that of permanent workers, especially with regard to wages, social security, occupational safety, and non-discriminatory treatment.

3. Worker Participation and Representation

The PKB must be formed through a mechanism that provides space for participation for outsourced workers so that their needs and interests can be accommodated in the negotiation process.⁴⁶

4. Effectiveness of Rights Enforcement

A collective labor agreement (PKB) must be equipped with a clear rights enforcement mechanism, including dispute resolution procedures, implementation monitoring, and sanctions for violations committed by parties involved in the employment relationship. The PKB model, based on legal protection and certainty of the rights of outsourced workers, is built on four main pillars: certainty of employment status, equal protection of rights, worker participation, and effective rights enforcement.⁴⁷ These four pillars are interconnected and form a protection system that focuses not only on certainty of norms but also on the effectiveness of their implementation in industrial relations practices. With this model, the Collective Bargaining Agreement is expected to function optimally as a legal protection instrument that provides

certainty of rights for outsourced workers while supporting the creation of harmonious, fair, and sustainable industrial relations.

IV. CONCLUSION

Based on the research and discussions conducted, it can be concluded that the Collective Labor Agreement (CLA) holds a strategic position in Indonesia's industrial relations system. The CLA serves not only as the outcome of collective bargaining between employers and labor unions, but also as a source of labor law that regulates the rights and obligations of the parties in the employment relationship. This position positions the CLA as a normative instrument capable of translating statutory provisions into operational norms that better suit the needs and characteristics of each company. Through this function, the CLA plays a role in creating legal certainty, maintaining the stability of industrial relations, and strengthening worker protection.

The implementation of collective labor agreements (PKB) to guarantee legal certainty for the rights of outsourced workers demonstrates that PKBs have significant potential to provide more concrete legal protection than general provisions in laws and regulations. Through regulations regarding wages, social security, occupational safety and health, dispute resolution mechanisms, and various other normative rights, PKBs can serve as an instrument that strengthens the legal position of outsourced workers. However, the effectiveness of PKBs in providing legal certainty still faces various obstacles, including not all companies have PKBs, the substance of PKBs that do not specifically accommodate the interests of outsourced workers, the weak bargaining position of outsourced workers in the negotiation process, and suboptimal oversight of PKB implementation.

The ideal model for strengthening collective labor agreements (PKB) to enhance legal protection for outsourced workers must be developed through strengthening regulatory substance, increasing the role of labor unions, optimizing oversight, and establishing more effective rights enforcement mechanisms. This strengthening should be realized through specific clauses governing the protection of outsourced workers, guaranteeing equal rights, protecting the continuity of employment relationships when the labor provider changes, and providing an easily accessible dispute resolution mechanism that provides legal certainty. With this model, collective labor agreements (PKB) can function more optimally as a legal protection instrument capable of realizing fair, harmonious, and sustainable industrial relations.

V. SUGGESTION

Based on the results of this study, there are several recommendations that can be considered in efforts to strengthen legal protection for outsourcing workers through Collective Labor Agreements.

First, the government needs to strengthen regulations that encourage the inclusion of protections for outsourced workers in every Collective Labor Agreement. This can be achieved by developing guidelines or minimum standards for CLA clauses related to the protection of outsourced workers' rights, thereby creating uniform protection across various business sectors.

Second, labor unions need to increase their role in advocating for the interests of outsourced workers through the collective labor agreement (PKB) negotiation process. Unions must ensure that outsourced workers receive adequate representation so that their needs and interests are accommodated in the substance of the PKB.

Third, both user companies and labor service providers need to consider collective labor agreements (PKB) as a substantive legal protection instrument, not simply an administrative obligation. Therefore, PKB clauses must be comprehensively designed and oriented toward the ongoing protection of workers' rights. Fourth, oversight of the implementation of collective labor agreements (PKB) needs to be strengthened through synergy between labor inspectors, labor unions, and bipartite cooperation institutions. Effective oversight will ensure that the rights of outsourced workers guaranteed in the PKB are actually implemented in industrial relations practices.

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