



Legal Relationship and Rights Fulfillment of Salt Pond Workers / Laborers in Sumenep Regency

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Abstract

Sumenep Regency has thousands of hectares of land used as salt ponds. Therefore, many people in Sumenep make a living as salt farmers. The salting process is carried out by salt farmers independently or in groups, also by PT Garam. The status of salt farmers is seen from the number of Madura salt production actors consisting of owner farmers and sharecroppers or mantong. There is an interaction between parties which may consist of landowners and salt farmers/mantong as well as workers/laborers who work at PT. Garam forms a legal relationship. In this legal relationship, there are differences in the systems used by the parties, such as employment relationships and partnership relationships, so this becomes an ambiguity regarding the status and rights of the workers. This article explores the following research questions: how is the legal relationship between salt pond workers in Sumenep Regency and have the rights of salt pond workers in Sumenep Regency been fulfilled? The purpose of this study is to find out the legal relationship of salt pond workers in Sumenep Regency and to find out whether the rights of salt pond workers in Sumenep Regency were fulfilled. The research type is empirical research and the approach used was empirical juridical. The results of this study are the effectiveness of statutory policies regarding clarity of worker status and the fulfillment of the rights of salt pond workers.

Keywords: salt pond workers; legal relationship; fulfillment of rights.

I. Introduction

Salt has many uses, especially for consumption and industrial uses, so salt is an important sector for society. Therefore, salt is one of the ingredients that is always needed by the whole community. The importance of salt products and the high need for salt, make salt production an important source of income for the Indonesian people and government, especially people living on the coast, one of which is the Madurese community.¹ Madura Island is known as the island of salt because it is surrounded by the sea, so it is not surprising that the Madura island produces salt in large quantities. In some areas in Madura, the community has no other profession besides being salt farmers. Sumenep Regency has thousands of hectares of land used as salt ponds. Therefore, many people in Sumenep make a living as salt farmers. Thus, salt production is intended not only to serve the interests of consumption and industry but also to be related to employment

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¹ Kuntowijoyo. 2000. *Perubahan Sosial dan Masyarakat Agraris Madura*, Mata Bangsa, Jogjakarta, page 396.

opportunities for the Indonesian people, especially in coastal areas, one of which is Madura so that they can improve the economy and it is hoped that thousands of salt ponds will be able to minimize the level of unemployment by accommodating more workers to improve people's welfare. The salting process is carried out by salt farmers independently or in groups, also by PT Garam. In general, they depend on the use of marine and coastal resources for their livelihoods, which require large investments and are highly dependent on the weather/climate. The status of salt farmers is seen from the number of Madura salt production actors consisting of owner farmers and sharecroppers or mantong. PT Garam is a company that produces and sells industrial and consumption salt. The task of this company is to act as a development agent to maintain the availability of national salt in Indonesia. In addition, because PT Garam also has salt ponds scattered throughout Madura Island, especially in Sumenep Regency, to make salt PT Garam recruits workers/laborers. In this case, there is an interaction between parties which may consist of landowners and salt farmers /mantong as well as workers/laborers who work at PT. Garam forms a legal relationship. In this legal relationship, there are differences in the systems used by the parties, for example, employment relationships and partnership relationships, so this becomes an ambiguity regarding the status and rights of the workers. Therefore, there is a need for certainty in the legal relationship that occurs so that the status and rights of the workers become clear. For this reason, the Manpower Agency, the Fisheries Agency, and the Pinggirpapas Village community have been interviewed for this article. Also, the Law of Civil Law has been compared with Law No. 13 of 2003 concerning Manpower. This article explores the following research questions: how is the legal relationship between salt pond workers in Sumenep Regency and has the fulfillment of the rights of salt pond workers in Sumenep Regency been fulfilled? The purpose of this study is to find out the legal relationship between salt pond workers in Sumenep Regency and to find out whether the rights of salt pond workers in Sumenep Regency were fulfilled.

II. Method

This research type is empirical research, namely research with field data as the main data source, such as the results of the interview. Empirical research is used to analyze the law which is seen as patterned community behavior in people's lives who always interact and

relate to social aspects.² This research is called empirical research because it will conduct a study to analyze the legal relationship and the fulfillment of workers' rights in Sumenep Regency. The approach method used is empirical juridical, in which a juridical approach is used to the problem from the perspective of legislation, while the empirical approach is used to approach the problem from the aspect of legal relationship and the fulfillment of workers' rights in Sumenep Regency. The focal point of this research is on the community behavior where the research is carried out directly to the respondents and sources as the primary data.³ The data collection method used is an interview. This interview was conducted to obtain information by physically meeting face-to-face and asking questions with informants. With interviews, the authors act as well as data collectors. In the interview, the authors also looked at the gestural behavior of the informant in answering the questions.⁴ This means seeking opinions or information through oral questions and answers with the necessary parties related to legal relationships and the fulfillment of the rights of workers/laborers in Sumenep Regency. As well as literature study, the literature study in this research was obtained by studying primary legal materials in the form of legislation, books, legal opinions, and research results related to the legal protection of salt farmers/laborers in Sumenep Regency. The stages in data analysis using this descriptive analysis method, in general, are the first, namely by formulating the problem, the problem formulation itself is one of the activities by asking questions which will then become the basis of research where the answer will be sought in the field. For data processing, the first step to be taken is to define the problem, then the next step is to determine the type of information or data, make sure that the data is relevant to the problem to be solved then the third step is to determine effective data collection procedures and also data processing procedures in accordance with the data used. And the last step is to make decisions based on data that has been processed to answer some questions that have been formulated.

III. Main Heading of the Analysis or Results

Legal Relationship and Rights Fulfillment of Salt Farmers in Sumenep Regency

² Sunggono, Bambang. 2003. *Metode Penelitian Hukum*, Jakarta: PT Raja Grafindo Persada, page 43.

³ Singarimbun, Masri. 1981. *Metode Penelitian Hukum dan Survei*, LP3 ES, page 1.

⁴ Amiruddin dkk. 2003. *Pengantar Metode Penelitian Hukum*, Jakarta : PT. Raja Grafindo Persada, page, 82

A legal relationship (*rechtbetrekkingen*) is a relationship between two or more legal subjects regarding the rights and obligations of one party against the rights and obligations of the other party.⁵ Legal relationships can occur between fellow legal subjects and between legal subjects and objects. Relationships between fellow legal subjects can occur between people, people, and legal entities, and between legal entities. The legal relationship between legal subjects and objects is in the form of what rights are controlled by the legal subjects over these objects, whether tangible objects, movable objects or immovable objects.⁶ Legal relationships have conditions, namely the existence of a legal basis and the existence of legal events.⁷ Employment relations are relationships in the context of carrying out work between workers and employers in a company that takes place within the boundaries of work agreements and work regulations that have been mutually agreed upon by workers and employers. Employment relationships according to Law Number 13 of 2003 as contained in Article 1 number 15 are the relationship between employers and workers based on work agreements, which have elements of workers, wages, and orders.⁸ A partnership relationship is formal business cooperation that is mutually beneficial between small and medium-sized entrepreneurs or large entrepreneurs to achieve a common goal based on a mutual principle agreement. For small entrepreneurs, partnerships are considered profitable because they can take advantage of the market and entrepreneurship dominated by large businesses. Based on Article 1313 of the Civil Code (KUHPerdata), an agreement is an event where one person or one party promises to one person or another party or where two people or two parties promise each other to carry out something. As for the legal requirements of the agreement according to Article 1320 of the Civil Code, there are 4, namely: (1) the parties agree (consensus); (2) the ability to act according to the law (capability); (3) the object must be clear; and (4) permissible causes (*halal*).

A. Legal Relationship of Salt Pond Workers in Sumenep Regency

1. Salt Pond Workers Who Work For PT Garam

⁵ Soeroso R. 2006. *Pengantar Ilmu Hukum*, PT. Rajagrafindo Persada, Jakarta, page. 269.

⁶ Peter Mahmud Marzuki. 2012. *Pengantar Ilmu Hukum*, Prenada Media Grup, Jakarta, 254.

⁷ Soeroso, *Op.Cit.* page. 271

⁸ Article 1 number 15 of Law Number 13 of 2003 concerning Manpower.

The legal relationship that occurs between workers and the company is a formal sector work relationship, meaning that the working relationship that exists between the worker and the company is based on a work agreement that contains elements of work, wages, and orders.⁹ Government Regulation No. 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time, and Termination of Employment relationship states "Outsourcing is a Working Relationship between an Outsourced Company and the employed Worker/Labourer, based on a PKWT or PKWTT." ¹⁰

"Outsourcing company is a business entity in the form of a legal entity that meets the requirements to carry out certain jobs based on an agreement agreed with the company providing the work." ¹¹

In the process of making salt, PT. Garam did it by outsourcing, meaning that PT. Garam gave work to another company and the company hired workers to do a job from PT. Garam is based on a written agreement so that the workers from the outsourcing company are the ones working for PT. Garam means that workers do not directly work with PT. Garam so that it can be interpreted that workers, in this case, can also be called third parties.¹²

Thus the relationship between PT. Garam and workers from outsourcing companies are not included in the legal relationship because of PT. Garam is only an employer for the outsourcing companies while outsourcing companies provide jobs to employees or workers based on a written work agreement.

So it can be concluded that there is no binding legal relationship between workers and service user companies, even though workers work for service user companies daily. Therefore, the two parties cannot claim each other's rights and obligations. Law No. 13 of 2003 concerning manpower regulates the conditions for companies that can provide manpower so that the interests of the parties involved in the outsourcing agreement,

⁹ Interview results on September 28, 2021, at 09.30 with Mr. Alam, the Head of Industrial Relations and Social Security Division at the Manpower Agency

¹⁰ Article 18 paragraph 1

¹¹ Article 1 number 14

¹² Interview results on September 28, 2021, at 09.42 with Mr. Alam, the Head of Industrial Relations and Social Security Division at the Manpower Agency

both related parties and the employed workers/labor are not harmed, especially outsourcing workers who are usually in a weak position.

The conditions mentioned in Article 65 of Law no. 13 of 2003 state:

1. Companies that provide manpower must in the form of legal entities (Article 65 paragraph (3))
2. Manpower supply companies must be able to provide wage and welfare protection, fulfill work requirements at least the same as companies that use labor or applicable laws and regulations. (Article 65 paragraph (4)), in other words, the company providing manpower must at least have a company regulation that has been approved by the Ministry of Manpower.

According to the results of the FGD/focus group discussion which was conducted on November 11, 2021, at 16.00, the public thought that PT. Garam made an agreement with the sharecroppers using a profit-sharing system with details of 60:40 or 50:50 and the distribution was determined every dry season month. Workers who work from the beginning of the season to the end of the season at PT. Garam is paid weekly and if the season is uncertain then the workers are dismissed unilaterally.¹³

So that the legal relationship that occurs between PT. Garam with workers who work at PT. Garam is a partnership relationship as described above that partnership as a form of agreement is also bound by these four conditions.

2. *Salt Pond Workers Who Work for Land Owners*

a. The salt business worked on by the landowners themselves

The owner of the land/pond is someone who has the right to salt land. Salt land owned in his name can be obtained from an inheritance, parcaton land, or as a result of a purchase. The salt land owned in his name gives the landowner full rights to cultivate it. The business carried out can be in the form of own salt business, rental salt business, or salt business with profit sharing. Salt business with a profit-sharing system is a salt business where the landowner provides salt land to work on which later hopes to gain profits or results on the salt land. In a profit-sharing system, the landowner can play the role of both the owner of capital and/or the owner of the land. If the salt business is

¹³ Results of the FGD/focus group discussion held on November 11, 2021, at 16.00

carried out by the landowner, all activities from the provision of production equipment, production preparation, production process, collection to the marketing of salt are the responsibility of the land owner's autonomy.

b. Salting business carried out by sharecroppers/mantong;

Sharecroppers/mantong are one of the most important subjects in salt making. Without sharecroppers, the salt fields will not be able to produce salt. A sharecropper is a salt farmer who has limited production inputs, in this case, a salt land and capital or production costs. This limitation makes them have to implement a profit-sharing system with landowners. Sharecroppers usually have middle to lower economic conditions. The low access to formal financial institutions makes them have to depend on the landowner. Sharecroppers who have long collaborated with landowners usually have close relationships. That is, this will affect their work contract in the coming season. The better the work of a sharecropper, the clearer the work contract (unwritten) will be. Even though the profit-sharing system does not provide justice to the group of sharecroppers, they persist with this condition because they are trying to fulfill their daily needs.

If the salt production business is carried out by the mantong, then the landowner will provide production inputs and equipment needed in salt production. Likewise, landowners will play a role in marketing salt products. Meanwhile, the mantong is responsible for the salt land preparation process, salt land maintenance during production and collection. As for the distribution of results, one-third of the salt is divided into the mantong, and two-thirds of the proceeds is divided among the landowners. This is due to the limited land and capital owned by salt business actors. When a loss occurs, the equipment costs that have been incurred will only be borne by the landowner, but some bear it jointly.

So it can be concluded that between the employer, in this case the farmer who owns the salt pond land and the sharecropper/mantong, has a legal relationship as a partnership relationship with a profit-sharing system agreement with details of 1/3 for sharecroppers and 2/3 for land-owner farmers, which means when the process of making salt has been completed, the owner of the salt land may end the working relationship with the sharecropper/mantong and after that distribute the harvest according to the agreement in which the harvest depends on the market price.

B. Salt Pond Workers Rights in Sumenep Regency

1. Rights of Salt Pond Workers Who Work For PT.Garam

Rights in the field of an employment relationship are the period required by the workers since they entered into a working relationship with the entrepreneur. The employment relationship is preceded by an employment agreement. The work agreement can be made within a certain time limit or without a time limit, which is called permanent worker.

Before signing the agreement, prospective workers must see the contents of the agreement with the company so that if there is a company that violates the contents of the agreement or contract, it can be used to submit objections to the company and can negotiate if there is an agreement that is not implemented or is violated. Indeed, there is no solution, so it can be discussed with the Manpower Agency because within the Manpower Agency there is a mediator who will help find a solution or a peaceful route. So if there is an agreement but it can still deviate, the result is that the status of workers in the related company is still unclear. So there needs to be clear so that the rights of workers can be fulfilled.

According to Article 54 paragraph (3) of Law No. 13 of 2003 concerning Manpower explains that "The work agreement as referred to in paragraph (1) is made at least in 2 (two) copies, which have the same legal force, as well as workers/labor and each entrepreneur gets 1 (one) work agreement."¹⁴

When making an agreement, at least there must be a copy of the agreement. The agreement must be in duplicate, of which 1 is for workers and 1 is for employers. Even the Manpower Agency must have a copy of the agreement.

But in reality, according to the community/workers who work at PT. Garam there are no such copies so it is possible to abuse the rights of workers.¹⁵ To avoid similar cases, prospective workers are expected to read in detail each of the contents of the work agreement, especially in terms of working hours and the wages earned.

Occupational Health Rights

¹⁴ Article 54 paragraph (3) of Law No. 13 of 2003 concerning Manpower

¹⁵ Results of the FGD/focus group discussion held on November 11, 2021, at 16.00

Every citizen is guaranteed the right to live decently in the event of an unfavorable situation which can result in loss or reduction of income, either due to illness, accident, job loss, old age, and retirement.

In an interview with the Fisheries Agency of Sumenep Regency that the agency cannot give budget through the regency budget and can only facilitate assistance from the provincial agency but the provincial and central offices are more inclined to increase human resources in their protection such as providing technical guidance and training and for business actors such as fishermen and fish sharecropper, the government has provided a kind of insurance in the form of capital strengthening collateral, with land rights certification for fishermen's cultivation, but for salt farmers, it is still not. For regencies, still cannot carry out the arrangements as above because not their authority so not supported by funds.¹⁶ However, according to the people of Pinggirpapas Village, they said that the BPJS for occupational health in 2012 had been registered with the BPJS but salary deductions were not submitted.¹⁷

Work Security Rights

The process of making salt is carried out during the summer or dry season. As a result of the hot working climate, there is a feeling of fatigue, lack of concentration, endangering occupational safety and health, so proper control and protection are needed. Excessive heat in the work environment, body temperature will increase resulting in high body temperature which can cause health problems. So don't be surprised if in the pond area there needs to be a shelter that is functioned for the farmers to rest when they feel tired.

The use of PPE is also very much needed in the manufacture of salt to avoid symptoms.

The use of PPE, such as:

1. Safety shoes, work shoes (safety shoes) are protection for the feet. Every salt farmer needs to wear shoes with thick soles so that he can freely walk everywhere without being injured by sharp objects.
2. Farmer's hat is very important to use as protective headgear. This hat is used to protect the head from the hot sun.

¹⁶ Interview results on September 30, 2021, at 10.17 WIB with Mrs. Sri Harjani, Head of Aquaculture Division, Fisheries Agency

¹⁷ Results of the FGD/focus group discussion held on November 11, 2021, at 16.00

3. First Aid, If there is a work accident, either light or heavy in the process of making salt, first aid should be given to accidents in the field. The types and amounts of drugs are adjusted to the applicable regulations.
4. There is a development of Human Resources related to Occupational Safety and Health (K3).
5. Improved understanding of Occupational Safety and Health (K3) standards.
6. The fulfillment of facilities and equipment related to Occupational Safety and Health (K3).
7. Supervision is carried out by competent personnel in the field of Occupational Safety and Health (K3). However, some farmers do not use any of the personal protective equipment as above. Referring to this, occupational health and safety also depend on the attitudes and actions taken by each person, in this case, the salt farmers.

Wage Rights

According to Article 1 number 30 of Law Number 13 of 2003, what is meant by wages is "The rights of workers or laborers who are received and expressed in the form of money as compensation from the entrepreneur or employer to the worker or laborer determined and paid according to a work agreement, covenant, or laws and regulations, including allowances for workers or laborers and their families for a job and or service that has been or will be performed."

Based on the results of the interview, so far the Manpower Agency of Sumenep Regency has carried out regular supervision regarding the wages of companies, especially outsourcing companies for their workers. The remuneration must be in accordance with the Regency Minimum Wage, meaning that the wages made should not be more or less if the related company pays wages below the UMK then the Manpower Agency will report it to the supervisor because considering the function of the Manpower Agency of Sumenep Regency is only as guidance while the imposition of sanctions imposed where the supervisory function has been withdrawn or transferred to the provincial Manpower Agency.¹⁸

¹⁸ Interview results on September 28, 2021, at 09.55 with Mr. Alam, the Head of the Industrial Relations and Social Security Head of the Manpower Agency

2. Rights Of Salt Pond Workers Who Work For Land Owners

In Piggirpapas Village, for workers who work outside of PT Garam or workers who work for pond landowners, no clear regulations or no rules are governing the protection of sharecroppers so that sharecroppers only do work and get compensation in the form of money with a 2/3 division system for landowners and 1/3 for sharecroppers. So if there is a loss the party who bears the loss can be from the sharecropper and the owner or there is also the owner who is the only responsible.¹⁹

Regarding assistance from the government, in 2015 the local government had helped the farmers by buying mats to produce salt or it could also be called polybags. Each salt field that will be processed will be given a polybag with one polybag for about 20 million for the good ones, and for ordinary polybags, it will be around 15 million, but according to the community, the presence of these polybags makes salt production less good when compared to salt yields without using polybag.

Even though farmers work for landowners, landowners still should fulfill workers' rights. Regarding dispute resolution, every village in Sumenep Regency used to have someone who could be called a mediator when there was a dispute. In the Madurese local language, this person can also be called a mantre / mantri. Mantre/mantri are also known as village doctors by some villagers. In Piggirpapas Village, this mantre/mantri can act as a mediator when there is a case, especially a dispute case. When a case comes, usually this mantre will approach weak people, so the role of the mantre/mantri in handling a dispute is very important because with the existence of a mantre the dispute will end peacefully. However, disputes occur very rarely and mostly if there is a dispute only between the heirs.

IV. Conclusion

The conclusions in this writing are:

1. There is no binding legal relationship between workers and PT. Garam, although according to the fact that daily workers work at PT. Garam. Therefore, the two parties cannot claim each other's rights and obligations. The legal relationship that occurs between PT. Garam with workers who work at PT. Garam is a partnership relationship

¹⁹ Interview results on October 3, 2021, at 15.30 WIB with Moh.Saleh, a sharecropper

because it does not use a wage system but is based on a profit-sharing system carried out by the parties. Landowners and sharecroppers/mantong have a partnership relationship with a profit-sharing system agreement with details of 1/3 for smallholders and 2/3 for landowners.

Regarding protection, there are still many workers who feel that their rights as workers have not been fulfilled. One of the reasons is that there are still many workers who do not get a copy of the work contract so the recruitment of new workers is only based on word of mouth. This is not in accordance with Article 54 paragraph (3) of Law 13/2003. So it can be concluded that the rights of workers are still not handled properly while workers who work outside PT. Garam or workers who work for pond landowners do not have clear regulations or no rules are governing the protection of sharecroppers so that sharecroppers only do work and get money in return.

References

- Amiruddin dan Asikin, Zainal. (2003). *Pengantar Metode Penelitian Hukum*. Jakarta. Raja Grafindo Persada.
- Kuntowijoyo. (2002). *Perubahan Sosial Dan Masyarakat Agraris Madura*. Jogjakarta. Mata Bangsa.
- Marzuki, Peter Mahmud. (2012). *Pengantar Ilmu Hukum*. Jakarta: Prenada Media Grup.
- Singarimbun, Masri. (1981). *Metode Penelitian Hukum Dan Survei*. Jakarta: LP3 ES.
- Soekanto, Soerjono.(1993). *Kamus Sosiologi*. Jakarta: PT raja grafindo persada.
- Soeroso, R. (2006). *Pengantar Ilmu Hukum*. Jakarta: Sinar Grafika. Eight Edition.
- Sunggono, Bambang. (2003). *Metode Penelitian Hukum*. Jakarta: PT Raja Grafindo Persada.