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Efforts to Solve Absenteeism by Employees at Companies According to the Labor Law Number 13 of 2003

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ABSTRACT

The aim of this research is to describe and identify regarding an in-depth study and ensuring that there are no acts of absenteeism in accordance with the Labor Law Number 13 of 2003. This research method uses normative juridical which means that what is produced is deviation not from theory, namely an approach by examining or studying a statutory regulation . The results of the research based on the applicable laws and regulations, namely Law Number 13 of 2003 concerning Manpower Article 168, legally fulfill the elements of Termination of Employment for reasons of absenteeism who are qualified to resign which contains 3 (three) elements including There is a Job, There is a Wages/Salary and There's an Order.

Keywords: Wages, Workers, Companies, Constitution

1. INTRODUCTION

Companies want to achieve goals without experiencing many obstacles. Among these objectives are to earn profits, win the competition, and provide satisfaction to consumers. In fact, the process of achieving the goals that have been set is not an easy thing to implement. The company as an organization is a collection of various resource factors, be it human resources, morals, technology, and skills. Of these factors that play the most important role is the factor of human resources/employees. Human resources in an organization or company are very important for companies in managing, managing, and utilizing employees so that they can function productively to achieve company goals (Wicaksana & Markeling, 2019).

With quality human resources, companies can compete optimally with other companies, the abundance of human resources by thinking carefully about how to optimally utilize human resources. Human resources are a crucial aspect to support the productivity of a company in order to survive and have good performance. Human resources in this case are employees in an organization, of course, will try to work with the abilities they have in order to achieve the desired performance. The company's success in achieving its goals is highly dependent on how the company manages and prepares the management of its human resources/employees (Wibowo & Herawati, 2021).

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In running its business, a company will certainly face many challenges and problems, both from outside and from within the company itself. Challenges from outside can come through competition with other companies, while problems from within the company can arise from its human resources/employees. As an organization, a company is composed of many individuals who have various goals and desires. If there is an error in managing these resources, it will cause problems. Among the problems that arise from the aspect of human resources are decreased work motivation, low discipline, and high absenteeism. If the absence rate is high, it will affect the company's performance as a whole. The employee absenteeism rate will increase if employees feel they are dissatisfied with their work (Saparlin, 2018).

This level of absenteeism originates from within the individual, due to the bad influence of the company or the individual's decision to act absent based on personal considerations. The habit of absent employees will have a bad impact on the company. The higher the absenteeism rate, the greater the losses suffered by the company. These losses arise because the implementation of work has to be delayed, decreased quality of products and services, decreased production levels, overtime work costs, and also social security that continues to be paid. Therefore, it is important for every company to continuously reduce absenteeism (Saparlin, 2018).

The needs of employees must also be a concern of the company. Each employee has different characteristics and behavior from one another and is dynamic (easily changed/not fixed), so that it is not easy for them to be controlled and fully managed by the company. Therefore the company is obliged to manage the needs of employees, both in terms of providing work support facilities, such as ensuring security and safety while working, as well as employee welfare factors that must be considered properly. So that in carrying out their duties each employee does not feel burdened with his work, and his performance is maximized (Andriani, 2019).

Someone who works for someone else contains elements of orders, wages and time, there is a working relationship. This working relationship occurs between the worker or laborer and the employer and is individual in nature. In the process of carrying out this work, both parties each have rights and obligations that must be fulfilled as a result of a working relationship. Rights and obligations attached to individuals then develop into rights and obligations collectively. Generally, workers in this position are weaker than employers or employers. Therefore, the nature of this collectivity is then used as a means to provide protection for workers in order to get good treatment and obtain their rights fairly (Iqbal & Rachmah, 2018).

Workers do work under the orders of people who pay their salaries. These worker rights appear simultaneously when workers bind themselves to employers or employers to do a job, an

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example that can be seen immediately is the right to wages. This worker's right only exists when someone becomes a worker, this right is attached only to those who work, when that person is no longer a worker, the rights that once existed will automatically disappear (Utari, 2021).

Quality of work is one of the elements evaluated in assessing employee performance in addition to behaviors such as dedication, leadership, loyalty, cooperation, loyalty, and employee participation. Quality of work can be measured by the level of efficiency and effectiveness of an employee in carrying out a job supported by human resources. If the quality of employee work is high, it will increase a good level of productivity.

With the discipline of work with the quality of work can affect performance and productivity. One that is very influential is on employee performance. Employee performance is needed to determine the success of company goals. One that can support the realization of employee performance is supported by high employee discipline and related factors. Discipline has an influence on the performance of company employees in an effort to complete the tasks assigned to them. Good discipline will improve the work quality of employees, and vice versa if discipline is not adhered to, it will result in difficulties for a company to achieve optimal results.

The main purpose of discipline is to ensure that employee behavior is consistent with the rules set by the organization. Work discipline can be seen as something that has great benefits, both for the benefit of the organization and for employees. For organizations, the existence of work discipline will guarantee the maintenance of order and the smooth implementation of tasks, so that optimal results are obtained. As for employees, a pleasant working atmosphere will be obtained so that they can increase morale in carrying out their work. Thus, employees can develop their energy and thoughts as much as possible for the sake of the realization of the organization. An employee must know how important discipline is in an effort to ensure the maintenance of order and the smooth implementation of each task because through high discipline the goals that have been set can be achieved.

2. RESEARCH METHOD

The research method used is a normative juridical method, which means that what is produced is a deviation not from theory, namely an approach by studying or reviewing a law and regulation that applies and is competent to be used as a basis for solving problems so that steps in research This uses logic or a juridical approach,

3. RESULTS AND DISCUSSION

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Efforts Made by the Company in Handling/Responding to Violations of Absenteeism

Employee absences must be managed appropriately, because attendance is very closely related to payroll. So the company must be careful about employee absences. Absent from work is the right of every worker. However, absenteeism from work also has its own rules and conditions in accordance with the Labor Law. Industry in Indonesia is growing rapidly, the government must also be able to control every existing industrial activity. For this reason, Law Number 13 concerning Manpower was enacted. Law Number 13 concerning Manpower also regulates the process of settling industrial relations disputes, one of which is through a negotiation process. However, when the negotiation process fails and no agreement is reached, the worker can exercise his right to do so.

What is meant by being absent from work according to Law Number 13 concerning Manpower? Law Number 13 of 2003 concerning Manpower, provides the definition contained in article 168 number 1 as follows: "Workers/labor who are absent for 5 (five) working days or more consecutively without written information accompanied by valid evidence and has been summoned by the employer 2 (two) times properly and in writing can be terminated because he is qualified to resign (INDONESIA, 2003)."

An industrial relations dispute is a difference of opinion that results in conflict between an entrepreneur or a combination of employers and workers/laborers or a trade/labor union because of disputes regarding rights, disputes over interests, disputes over termination of employment, and disputes between trade unions/labor unions within one company. The labor law system that developed from industrialization in Europe in the 19th century which was later adopted by other countries in the world is basically an attempt to regulate conflicts between employers and workers into a system of legal rationality. Positivist legal theories emphasize the neutral role of rules in maintaining the interests of all groups into what are defined as player rules. Meanwhile the court institution and its judges are seen as referees or supervisors of the rules of this game.

Company Actions in Handling Violations

It is undeniable that every company definitely wants all of its employees to have high discipline, not shirk their responsibilities, and be professional. Because company regulations are certainly made to maintain order and regularity of a company's work system. Unfortunately, absenteeism or absence from work is unpredictable and very likely to happen in the company. Following are some policies that can be taken (KUSUMA, 2018).

1. Monitor Employee Absenteeism Routinely

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Absenteeism means absent from the office without a reason justified in company regulations. Being absent means not taking attendance like other employees. This must be known as quickly as possible by looking at the recapitulation of the day's attendance report. If necessary monitor employee attendance regularly without having to wait for monthly attendance reports. It's a good idea to do this monitoring once a day so that policies can be taken more quickly if there are absent employees.

2. Be firm on the first absenteeism.

When you find out that an employee is absent, try to be firm with the employee by calling him verbally. Even if the employee concerned is absent for the first time. However, do not rush to issue a warning letter if it is the first case. When they are firm on the first incident, the employee will immediately give up and usually will not repeat the incident. These actions are sometimes considered excessive and make employees lose respect for the company. But from the company's point of view, this will strengthen the position of the company's management. So that the company will not be underestimated by employees. In addition, the company also does not need to issue a warning letter to employees if the employee has changed due to a verbal summons. Keep in mind that these provisions must be in accordance with the collective labor agreement and company regulations that have been agreed upon.

3. Include Team Members as Supervisors to Prevent Employee Absenteeism

Team members from each division can be involved as supervisors for other team members. This will make it easier to monitor attendance if you really can't monitor employee attendance. For example, because there are field assignments that take up time. In addition, the implementation of an oral report strategy will indirectly help improve communication between employees, especially employees in one division. They will be more sensitive if there are employees who are not in the office and there is no news at all. Well-developed employee communication will also clearly benefit the company (Sokhib, 2018).

4. Study the Patterns of Causes of Absenteeism

When calling out absent employees, try not to put forward intimidating emotions or attitudes. Trying to dig into their background doing skipping work would be better. Employees will feel given the opportunity to correct wrong behavior. Because it could be that the first case of default was an accident and difficult for them to avoid. As for companies, this will strengthen company data regarding patterns that cause employees to be absent.

The hope is that in the future, the company can carry out more intensive prevention efforts. In addition, the company can also maintain good relations with employees. In other words, the

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company can carry out the task of controlling order without having to cause conflict with employees. Another way companies retain employees and earn their loyalty. By paying attention to the matters above, the company can suppress cases of absenteeism. Absentee employees who are not immediately addressed can spread to other employees. If that's the case, employee discipline as a whole will decrease. Likewise, the company's productivity will also decrease.

To prevent this, employee administration must be managed properly. Including employee absences which will help companies detect absent employees more quickly if management is also fast (Asasi, 2020).

According to the Manpower Act No. 13 of 2003, article 93 paragraphs (3) and (4), the limits for absences from work that are still being paid can be detailed in the following table: Reasons for not working for a long time Wages Permit Workers are sick

Reasons Not Working	License Period	Wages
do work	>12months first	100%
		2nd 4 months 75%
		3rd 4 months 50%
		Next month 25% before company layoffs
Female workers get sick on the first and second day of menstruation	2 days	100%
Married workers	3 days	100%
Workers marry children	2 days	100%
Workers baptize children	2 days	100%
Wife gives birth/miscarriage	2 days	100%
Husband/wife, parents/children, son-in-law dies	2 days	100%
Family member in one house dies	1 day	100%

Employee in a certain The company must have questioned a number of things, for example how many days the tolerance given by the company to employees absent from work or absent

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without explanation or regarding the rules regarding the company that wants to pay. stop employees who are absent from work. If an employee is absent from work without a clear reason, alias absent, then the no work no pay principle applies. This is stated in Article 93 paragraph (1) which states that wages are not paid if the worker/laborer does not work. This wage includes an attendance allowance (Putra & Sitabuana, 2022). The time limit for employees to be absent from work according to the law is 5 consecutive working days. This is contained in the Manpower Act Number 13 of 2003, Article 168 paragraphs (1) and (2) which states that: "

Workers/laborers who are absent for 5 working days or more consecutively without a written statement accompanied by evidence who is lawful and has been summoned by the employer 2 times properly and in writing can be terminated because he is qualified to resign. The written statement with valid evidence as referred to in paragraph (1) must be submitted no later than the first day the worker/laborer comes to work."

If there is a layoff due to the above reasons, the employee's rights must be granted by the company because absenteeism from work is still classified as a resignation, not a layoff by the company. So that employees are entitled to compensation for rights and severance pay. However, employees do not receive severance pay and long service awards (UPMK). And this is stated in Article 168 paragraph (3):

"Termination of employment as referred to in paragraph (1) the worker/labor concerned has the right to receive compensation for rights in accordance with the provisions of Article 156 paragraph (4) and is given a severance pay whose amount and implementation are regulated in work agreements, company regulations, or collective bargaining agreements."

Compensation money that should be received by employees includes:

1. Annual leave that has not been taken and has not fallen.
2. Expenses or fees for returning workers and their families to the place where workers are accepted to work.
3. Housing replacement as well as treatment and care are set at 15% of the severance pay and/or UPMK for those who meet the requirements.
4. Other matters stipulated in work agreements, company regulations, or collective labor agreements.

Provisions for severance pay for laid off employees should have been regulated in work agreements, company regulations, or collective bargaining agreements. If it is not regulated, then the company will be in trouble because based on several cases, in the end the judge's decision will still oblige the company to pay separation money as mandated by the Labor Law, even though

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company regulations do not regulate it. In the event that an employee is absent for 5 working days or more with a proven reason, then the company cannot make a layoff. The principle of no work no pay does not apply, and the company is still obliged to pay full wages according to Article 93 paragraph (3).

Settlement of Work Disciplinary Actions by Employees

1. Settlement of Industrial Relations

The main principle in settling disputes adopted by Law Number 2 of 2004 concerning Settlement of Disputes of Industrial Relations is the principle of deliberation to reach a consensus (Andini & Septiani, 2019). This principle also applies to institutions dealing with workers' disputes in the sense that any decision reached cannot be made without giving the parties to the dispute an opportunity to hear the issues in dispute.

Dispute resolution can basically be resolved by the parties themselves but can also be resolved with a third party. Third parties can be provided by the state and can also be provided by themselves (first party and second party).

There are 2 (two) types of industrial relations dispute settlement mechanisms regulated in Law Number 2 of 2004 concerning Industrial Relations Settlement, namely: 1.

Voluntary Settlement

This type of settlement can be carried out through settlement mechanisms through conciliation and arbitration.

2. Compulsory

Settlement Compulsory settlement is carried out through bipartite negotiations, mediation, the Industrial Relations Dispute Court (PHI Court), and the Supreme Court (MA).

2. Voluntary settlement

In voluntary settlement there are two ways provided by Law Number 2 of 2004, namely:

1. Arbitration

Is the settlement of disputes over interests and disputes between unions within a company, outside of court through a written agreement from both parties who disputing to submit the dispute to the Arbitrator whose decision is binding and final by going through the following procedures:

a. Efforts are made to make peace between the disputing parties;
b. If there is peace, the Arbitrator makes a peace deed. However, if the deed of reconciliation is not carried out by one of the parties, the deed can be requested for execution at the local District Court;
c. If peace efforts fail, then the Arbitrator can proceed by holding an Arbitration Session;

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d. In the arbitration session the Arbitrator may summon witnesses or expert witnesses to be questioned in relation to the topic in dispute;

e. Through the arbitration hearing, decisions can be made based on statutory regulations, agreements that are already binding on the parties, customs, principles of justice, and the public interest. The decision of this trial must have been implemented 14 (fourteen) days after the decision was made;

f. The decision that has been taken is registered with the local District Court and if it is not implemented by one of the parties, an execution will be requested at the local District Court;

g. Regarding the arbitral award, the parties can submit a review to the Supreme Court (MA) no later than 30 (thirty) days after the decision is made if they feel it is still unfair.

2. Conciliation

Is the settlement of disputes over interests, termination of employment (PHK), or disputes between unions within a company through deliberations mediated by one or more neutral conciliators. The conciliator in this case is not from the government but must be appointed by the minister. While the mechanism is as follows:

a. The parties submit a request for settlement in writing to the Conciliator which is agreed upon by the parties;

b. Within 7 (seven) days after receiving the request, the Conciliator must have conducted research on the case and immediately hold a conciliation hearing;

c. The conciliator may present witnesses or expert witnesses;

d. If the conciliation reaches an agreement, a Collective Labor Agreement (PKB) is made;

e. If no agreement is reached, the Conciliator must make a written recommendation which will be submitted within a maximum of 10 (ten) days;

f. Within 10 (ten) days after receiving the suggestion, the parties must immediately provide an answer;

g. If you don't give an answer, it will be considered as refusing;

h. If the recommendation is approved, within 3 (three) days a Collective Labor Agreement (PKB) must be drawn up;

i. If the PKB is not implemented, an execution can be requested at the local District Court;

j. If the written recommendation is rejected, one or both parties may proceed to the Industrial Relations Court (PHI) at the local District Court.

3. Compulsory

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Settlement Compulsory settlement of disputes is carried out in 2 (two) stages that must be taken, namely:

1.

Bipartite Bipartite negotiations are negotiations between workers/workers' unions and employers/employees' unions to resolve industrial relations disputes. The procedure is as follows:

a. Deliberation for consensus between the parties by making minutes signed by both parties;

b. If an agreement is reached, a collective work agreement is made which is signed by both parties where the agreement is binding and becomes law and must be implemented;

c. The collective agreement must be registered with the Industrial Relations Court at the local District Court;

d. If the collective agreement is not implemented, an application for execution can be submitted to the Industrial Relations Court at the local District Court;

2. Mediation

Is for the resolution of disputes over rights, interests, termination of employment (PHK), and disputes between unions within a company through deliberations mediated by one or more. A neutral mediator who comes from a government employee under the manpower agency who has fulfilled the requirements as a mediator. The mediation procedure is as follows:

a. Within a maximum period of 7 (seven) days after receiving the delegation of dispute resolution, the Mediator must have conducted research on the case and immediately hold a Mediation Session;

b. The mediator can call witnesses or expert witnesses;

c. If an agreement is reached, a Collective Labor Agreement (PKB) must be drawn up signed by both parties witnessed by the Mediator and then registered with the Industrial Relations Court at the local District Court;

d. If an agreement is not reached, the Mediator issues a written recommendation no later than 10 (ten) days after the mediation session and the parties must respond within 10 (ten) days. If you don't give an answer, it will be considered as refusing;

e. If the mediation recommendation is rejected, the parties can register their dispute case with the Industrial Relations Court (PHI) at the local District Court;

f. If the recommendations are agreed upon, then within a maximum of 3 (three) days, the Mediator must have finished helping the parties make a Collective Labor Agreement (PHK);

g. If the PKB is not implemented, an application for execution can be submitted to the Industrial Relations Court (PHI) at the local District Court;

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h. If the written recommendation is rejected, then one or both parties may proceed to settle the dispute at the Industrial Relations Court (PHI) at the local District Court;

i. The mediator must complete his/her duties no later than 30 (thirty) working days.

The concept of mediation contained in Law Number 2 of 2004 concerning Industrial Relations Dispute Settlement will not give rise to mediation which facilitates the disputing parties to be able to negotiate and reach a mutual agreement (Charda, 2017). However, the Mediator becomes a central figure due to the form of a recommended decision issued by the Mediator. Meanwhile, if an industrial relations dispute has been submitted to the Industrial Relations Court, there will be procedural law in it. The procedural law in the PHI is the Civil Procedure Code which applies to the General Court environment. This has been regulated in Article 57 of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, which reads "The procedural law that applies to the Industrial Relations Court is the Civil Procedure Law which applies to courts within the general court environment, unless specifically regulated in the Law Invite this." In short, the following is the procedure for filing a lawsuit and trial at the Courts of Industrial Relations (PHI):

a. The lawsuit is filed with the PHI whose jurisdiction covers the domicile of the worker;

b. The lawsuit must be accompanied by minutes of settlement through mediation or conciliation, if it is not included, the Court will return the lawsuit to the plaintiff;

c. The lawsuit must include the main issues that are the dispute along with the identities of the parties and documents that support the claim;

d. If the dispute involves a dispute over rights/interests followed by a dispute over termination of employment (PHK), the PHI shall decide in advance the dispute over rights or interests (Article 87 UU PPHI).

e. If the proceeding is fast according to a written request by one of the parties, then within 7 (seven) working days after the application is received, the Head of the District Court shall issue a stipulation regarding the granting or rejection of the application. If granted, within 7 (seven) working days the Chairperson of the District Court shall determine the Panel of Judges, the day, place and time of the trial without examination procedures. The deadline for answers and evidence from both parties is determined not to exceed 14 (fourteen) working days (Articles 98-99 of the PPHI Law).

f. If in the ordinary procedure process, within a maximum period of 7 (seven) working days after the decision of the Panel of Judges, the Chairman of the District Court will conduct the first hearing;

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g. If in the first trial it is evidently proven that the entrepreneur has not carried out his obligations to pay wages and other rights while waiting for the completion of the layoff, the Chief Judge of the trial immediately issues an interlocutory decision ordering the entrepreneur to pay wages and other rights normally received by the worker concerned;

h. If the entrepreneur ignores the interlocutory decision, the Chief Judge of the trial can order the confiscation of collateral in a PHI determination. The interlocutory decision cannot be resisted or legal remedies (Article 96 of the PPHI Law);

i. Not later than 50 (fifty) working days after the first session of the Panel of Judges renders its decision;

j. The decision of the Panel of Judges regarding disputes over interests and disputes between employees within a company is final. Whereas the decision of the Panel of Judges at the Courts of Industrial Relations (PHI) regarding rights disputes and layoffs has permanent legal force if within 14 (four) working days a cassation request is not filed by the party present or 14 (fourteen) working days after the decision is received by the party who is not present.

Meanwhile, the composition of the Industrial Relations Court (PHI) at the District Court (PN) consists of the following:

a. Judge;
b. Ad-Hoc Judge;
c. Junior Registrar;
d. Substitute Registrar.

Meanwhile, the composition of the Industrial Relations Court (PHI) at the Supreme Court (MA) consists of the following:

a. Supreme Court Judge;
b. Ad-Hoc Judge at the Supreme Court;
c. Registrar (Article 60 of the PPHI Law).

One of the important processes in a lawsuit against the Industrial Relations Court is proof. The plaintiff and the defendant must make perfect arguments so that they can be legally proven (Mantili, 2021). The argument that is not justified by the opponent but is not proven by the argument, then the argument is deemed never proven and qualified as an argument that is not justified. A proof for a judge is essentially giving certainty to the judge about the existence of certain events. Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes does not stipulate technicalities regarding evidence, so the Law refers to other laws, in Article 164 Herzein Inlandsch Reglement (HIR) that what is referred to as evidence is: 1.

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Documentary evidence ;

2. Witness evidence;
3. Predictions;
4. Confession;
5. Oath.

4. CONCLUSION

Based on the applicable laws and regulations, namely Law Number 13 of 2003 concerning Manpower Article 168, legally fulfilling the element of Termination of Employment for reasons absent qualified to resign, Employment relations must contain at least 3 (three) elements as follows:

There is Work

In an employment agreement there must be work agreed upon (object of the agreement) and the work must be done by the worker/laborer himself. In general what is meant by work is all actions that must be carried out by workers/laborers for the benefit of the employer/employer in accordance with the work agreement.

There is Wages/Salaries

Wages are the next element attached to the agreed work. Wages are rights of workers expressed in the form of money or other forms as compensation from employers/employers to workers determined or paid according to an agreement, agreement or legislation, including allowances for workers and their families for work and services that have been performed. Thus wages are achievement rewards paid by employers/employers to workers for work that has been done or completed by them.

There are

Commands Commands are elements that cannot be eliminated in a job. In carrying out each job, the worker must do so in accordance with the work agreed upon where the work is under the order of the employer/employer or in other words, all work carried out is under full control by the employer/employer.

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