

ABSTRACT

ROCHMAD YUWONO, Legal Protection Model of Outsourcing in the Automotive Manufacturing Industries in Bogor Based on Law Number 13 2003. Dissertation under the guidance of Prof. Dr. Faisal Santiago, SH, MM, as the Main Advisor and Dr. Hj.R.A. Evita Isretno Israhadi SH, MH as Co Advisor.

Many automotive manufacturing industries switched the status of outsourcing workers to be permanent employees during 2012-2015. The event motivated the researcher to study the field and literature in order to obtain the underlying reasons. Besides, the researcher could present anticipation for legal protection for the companies in the automotive manufacturing industry in Kab Bogor due to the implementation outsourcing practices.

The problems under studies in this dissertation are, (a) Why do the companies employ the policy outsourcing in their business? (b) Why are many outsourced workers in the automotive manufacturing industries in Bogor transformed into permanent employees during 2012-2015? (c) What should be done by the companies in order to avoid the risks of changing the outsourcing workers to become permanent workers? (d) How does the model of legal protection for the companies look like to obtain legal protection?

For the sake of the theory frameworks, the researcher uses the main theory of social reengineering, the efficiency theories in the manufacturing industries, the theories of the rule of laws, theories of law violation prevention, and legal protection theories. Those theories are functioned as the analysis tools for the case of the outsourcing implementation, the root cause of incidents and preventing actions from the stakeholders to avoid the problems of outsourcing implementation.

The research applies juridical empirical model which data and information in the field are collected and they are analyzed with the existing scientific literatures. Activities of the research includes observation, questionnaires, and interviews conducted to the relevant parties. The data are analyzed through classification and tabulation for the extraction of the true scientific information.

The research results show that many companies do not comply with the regulations of outsourcing; so, the outsourcing shift-workers status becomes permanent employees. The less harmonious relationship between employers and workers / unions turns out to be the trigger for demonstrations and strikes demanding the transitional workers' status. This research finds that harmonies relationship between management and worker/ union can avoid the outsourcing problems. This study also produces a model of legal protection for the companies that need the mutual action from the relating parties (companies, government and industrial association) due to implementation of outsourcing policy.