



THE EFFECTIVENESS OF LEGAL PROTECTION ON THE WAGE OF WORKERS IN SMALL MEDIUM ENTERPRISES IN THE CULINARY SECTOR

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Abstrak

The problem of inequality related to wages for workers in a society that we often encounter must be resolved. So, this study aims to determine the effectiveness of the application of the Labor Law on wages of Small and Medium Enterprises workers in the culinary sector in Batam, as well as to see the obstacles that occur in the implementation of wages of Small and Medium Enterprises workers in the culinary sector of Batam City. This research is empirical research that is based on events that have occurred in the field regarding the application of the law through a series of observations, interviews with competent government officials, small and medium enterprises in the culinary sector. This research shows that the wages received by most of the Small and Medium Enterprises workers in the culinary sector in Batam City are not feasible, such as the absence of a work agreement as mandated by the Labor Law. This can occur because the Manpower Law does not explicitly accommodate the interests of Small and Medium Enterprises workers in the culinary sector, then the government's lack of awareness in preparing skilled workers, and the low quality of education of workers.

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I. INTRODUCTION

Wages are one of the most crucial problems in employment and even if they are not professional in handling wages, this can lead to disputes and lead to work strikes and demonstrations. (Yo'el, 2018). Wages are a basic issue of labor law and industrial relations, including the small and medium business sector. Because wages have always been the top demand in various strikes and or workers' demonstrations. Therefore, it is necessary to have a law to regulate labor wages, called labor law (Kemala & Kusdarini, 2020). The nature of employment law in general is included in the scope of private law because it regulates relationships between individuals (Nurhalimah, 2018). In terms of its nature, labor law can also have a public nature because the government participates in labor issues and includes criminal sanctions in the form of employment law (Is & Sobandi, 2020). The state needs to protect workers through the participation of the government. The government can provide protection such as making rules that bind workers, providing guidance and supervision in the scope of industrial relations (Noval, 2017). Employment law basically has two characteristics, namely coercive and

regulating. The reason is that it is regulatory because Indonesian labor law regulates the relationship between employers and workers as well as with the government.

An important theme in the labor struggle today is a decent wage. The pros and cons continue to be related to the values agreed upon by the workers and employers. On the other hand, workers think that the wages they receive are not sufficient for a decent living requirement for them, plus there are price increases that occur every year (Anwar, 2020). On the one hand, entrepreneurs themselves often assume that an increase in labor wages will have an impact on increasing production costs, this is considered to be one of the uncompetitive factors in the business climate in Indonesia (Anwar, 2019). Therefore, a regulation was born in a country that started from problems that arose in society.

Reflecting on the provisions of Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that the right of every citizen is to obtain welfare and a decent living including workers, the government needs to ratify various policies to protect the interests of workers through the policy of issuing Law no. 13 of 2003 concerning Manpower (Labor Law), which does not harm the workers. The Manpower Act is enacted with the hope of achieving the principles and objectives of building manpower as well as labor protection including protection of the basic rights of workers or laborers, protection of wages, and social security for workers (Felicia & Afdal, 2020). But in fact, after a regulation is made, ratified and enforced for the benefit of the community in the Manpower Act, there are still problems (Putra, Tjukup, & Yustiawan, 2020), especially those related to the remuneration of workers for Small and Medium Enterprises (SMEs) and Individuals/Shops.

The regulation of SMEs in general is contained in Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises (MSME Law). Reflecting on the provisions of these regulations, SMEs are a business activity that is able to provide employment to the community, and can function in the process of increasing and equitable distribution of community income. Indonesia, which means it also has an employment relationship (Martyrs, Tasman, & Hardiani, 2014).

Reflecting on Article 88 paragraph (1) of the Law on Manpower which affirms the rights of workers to earn income so that a decent life can be fulfilled. PWages determined by agreement between employers and workers must not be lower than the wage provisions stipulated in the Manpower Law, which basically must apply to all entrepreneurs, including the SME sector such as the culinary sector. Currently, many people choose to work in the culinary field because it is considered a necessity for everyone, especially in Batam, which has the culinary characteristics of the Malay people to be proud of compared to other regions. The city of Batam itself is famous as a city of culinary tourism destinations and attractive shopping for foreign and domestic tourists who visit the city of Batam. There are several types of famous culinary in this city such as food from the sea (seafood), slime noodles, luti drum etc. The many types of culinary that exist in Batam also make it difficult for tourism practitioners in determining the type of culinary that is most in demand by

tourists (Batam City Culture and Tourism Office, 2018). This is one of the potential economic empowerment of the community in Batam City if the community can take advantage of this great opportunity to increase their creativity in the culinary field.

For this reason, the authors are interested in conducting further research with the aim of To examine the effectiveness of the implementation of the Manpower Law on the remuneration of SME workers in the culinary field of Batam City and to analyze the obstacles that occur in the implementation of the remuneration of SMEs in the culinary field of Batam City.

II. RESEARCH METHOD

This research is an empirical normative research which is research based on events that have occurred in the field regarding the application of legislation (Suteki & Taufani, 2018). The approach used is a statutory approach and a sociological approach. The sociological approach is intended to analyze how the reactions and interactions occur when the norm system works in society (Benuf & Azhar, 2020). In this empirical research, data collection techniques used in the form of library research, documentation techniques and interview techniques through purposive sampling, ie not every member of the population can be taken as a sample, only those who meet certain conditions can be taken as a sample (Sunggono, 2006). The requirements include: 1). Small and medium business entrepreneurs who are engaged in the culinary field in the city of Batam, especially for the Nagoya and Penuin regions, which have a workforce of more than 5 (five) people; 2). Employees of the Department of Manpower in the city of Batam; 3). Employees of the Department of Community Empowerment, Markets, Cooperatives and Small and Medium Enterprises; and Workers who work in the culinary field in the city of Batam specifically for the Nagoya and Penuin areas.

III. RESULTS AND DISCUSSION

3.1. The Effectiveness of the Implementation of the Manpower Law on the Wage of SME Workers in the Batam Culinary Sector

Based on the results of the author's interviews with workers who work in the culinary areas of Nagoya and Penuin, in their understanding the minimum wage only applies to workers in companies such as PT, industry and others, therefore they are not too concerned about it because for them it is not there are demands from employers that they must be educated and basically if they can work that is what is most needed so that the necessities of life can be met, and at the beginning before being hired the employer has been notified by the employer how much wages are given and what facilities are there and this too approved by the worker before carrying out his work. In this interview, it can be seen that workers still do not understand the implementation of the Manpower Law on wages.

By conducting interviews with culinary workers in the Nagoya Penuin area, it can be seen that the effectiveness of the Manpower Law on the wages of small and medium-sized business workers in

Batam City in general is not yet fully able to be used as a legal basis for workers in the culinary small and medium business sector in Batam City. This can happen because of several important factors that the researcher will discuss in the discussion section of this study. The factors that influence the ineffectiveness of the Manpower Act in the reality of wages for workers in the small and medium culinary sector in Batam are as follows:

a) Implementation of the Main Thoughts of the Manpower Law on the Protection of Culinary SME Workers in Batam City Is Not Accommodated

As the researcher has explained in the previous description about the meaning of the Manpower Act, and universally, the researcher can rephrase it as follows. That manpower is any person who can perform actions or work to produce a service or goods in the context of meeting the needs of others, either alone or legal entities, companies and other institutions. And in general, the definition of manpower has been formulated in the Manpower Act that manpower is anything or everything that has to do with workers or workers, before, during, and after the workers engage in labor relations.

This shows the presence of the State as an institution to provide procedures for regulating labor relations, protection for workers who are carrying out labor relations and protection to ensure the fulfillment of workers' rights in the post-employment period. From the explanation of Article 1 paragraph (15) of the Manpower Law, in essence, it focuses more on an engagement procedure that is protected by a product of labor law, for employers and workers to enter into a work agreement.

Unfortunately, from the definition of the Manpower Act that has been described above, according to the results of researchers' observations on March 12 to July 30, 2020 around Batam City and directly meeting small and medium business actors, interviews with the Head of the Wage Section of the Batam City Manpower Service, Interviews with several workers In the field of small and medium enterprises in the city of Batam, there are many facts that clarify that the Manpower Law has not been able to provide protection for the wages of workers in the labor sector. The Manpower Act is actually only a written rule to protect the rights or legal relations between workers in the industrial sector and does not touch the interests and or legal needs of workers in the small and medium culinary business sector in the city of Batam.

This is because based on the results of observations of several culinary sales centers in the city of Batam, basically all SMEs are run with a family management system. In the application of the family management system, several things are explained in Law Number 13 of 2003 concerning Manpower, such as the Employer's obligation to enter into a work contract or work agreement, the Company's obligation to provide wages in accordance with applicable regulations, and the Employer's obligation to provide health insurance. to workers, all of which are not applied in the practice of working relations between small and medium entrepreneurs in the culinary field in the city of Batam.

b) The Manpower Law in the Implementation of Fair and Civilized Human Values, and Worker Empowerment Has Not Protected Culinary SME Workers in Batam City

A just and civilized humanity is a mandate in the broader basis of our country which has been contained in the fourth paragraph (4) of the Preamble to the 1945 Constitution of the Republic of Indonesia. The Manpower Law is a form of state presence to regulate and protect workers based on fair values of justice and humanity. and be civilized to the rights of workers before starting a work relationship, the rights of workers at the time of the employment relationship and the rights of workers after employment. That the rights of workers which are explicitly regulated in the Manpower Law are the embodiment of the guarantee of the certainty of a sense of humanity and the guarantee of the fulfillment of workers' rights to life in equality in law and government as referred to in Article 27 of the 1945 Constitution of the Republic of Indonesia.

Based on the results of the researcher's interview on April 11, 2020 with Mr. Andi, a small and medium businessman at the food court center around the Penuin market in Batam City. The researcher obtained information that Mr. Andi's capital was not more than Rp. 200,000,000 (two hundred million rupiah) meaning that according to Law Number 9 of 1995, Mr. Andi's business was included in the category of small and medium businesses. Mr. Andi is in the business of selling ready-to-eat food and beverages (Andi, 2020). To run his business, Mr. Andi must be assisted by 7 employees. from the cook to the guest waiter who eats. In a day Mr. Andi earns a turnover or net income of IDR 1,000,000. (one million rupiah) up to 2,500,000 rupiah. (two million five hundred thousand). From the income earned in a month, Mr. Andi has to pay workers wages for 2 cooks, each person is given a salary of Rp. 200,000. (two hundred thousand) are paid per day and the salary of assistant employees is Rp. 1,750,000. (one million seven hundred fifty thousand) per month, each employee is given free meals.

When the researcher asked the question why the salary for assistant employees was very small and did not comply with the provisions of the Batam City Minimum Wage regulation of Rp. 4,000,000. Mr. Andi calmly explained that he himself realized that the salary for his assistant employees was small, and according to Mr. Andi he was not the only one who gave such a large salary, the average is the same at the food court center in Penuin, Batam City. As humans, according to Mr. Andi, they are also quite concerned about such a large salary. But if they provide a high salary, they can close their business, unable to cover the capital turnover, where on average all businesses get loans from banks (Andi, 2020).

According to Mr. Andi, in order to get around the small salary earned by assistant employees, on average all food vendors provide free housing for assistant workers, or they always accept workers who live near their place of business, to avoid them with transportation expenses and also free housing from the burden. boarding house employees (Andi, 2020).

Another fact is according to the results of the researcher's interview on April 15, 2020 with Santi, an employee at the food court around Nagoya. According to Santi, he and his three friends

came from Moro Island, Karimun Regency, armed with a junior high school diploma to look for work in the city of Batam. They've been working in this food court around Nagoya for 2 years. The salary he received was Rp. 2,000,000. (two million rupiah) according to Santi, if you say enough, it's definitely not enough, Santi and his three colleagues must be good at managing the money so that it's enough. Because the three of them have to rent a boarding house with each person for IDR 150,000 / month. They can't even eat well, sometimes because there is a family need in the village, the salary is sent to the village and Santi has to eat Indomie every day or expect a free lunch from the boss,

Whereas from the explanation above, the Manpower Act has not been able to provide a protection for the dignity of workers and small and medium business entrepreneurs in the culinary field in Batam city. The Manpower Act is an irony for the development of Small and Medium Enterprises in the culinary field in Batam city and has not even touched the legal needs of workers and Small and Medium entrepreneurs in the culinary field in Batam city. The existence of contradictions between employers and workers is something that must be resolved by labor law. The dilemma that underlies the emergence of contradictions between employers and workers is that if the employer raises salaries in accordance with the worker's wage system regulated in the Manpower Act, then his business is unable to burden the financing of employee salaries and has the potential to close his business. and employees do not have the option of selecting a workplace, this is because they do not have a diploma or certain expertise that can be used as a guide to hold the bargaining value of the salary that will be obtained according to their expertise. For example, a cook in Pak Andi's business can be paid up to Rp. 200,000/per day so that in a month he already gets a salary of Rp. 6,000,000. (six million rupiah) per month or exceeding the minimum wage in the city of Batam. As stated by Satjipto Raharjo in his progressive legal theory, according to him, the law should be something that serves to serve human needs, not the other way around. For example, a cook in Pak Andi's business can be paid up to Rp. 200,000/per day so that in a month he already gets a salary of Rp. 6,000,000. (six million rupiah) per month or exceeding the minimum wage in the city of Batam. As stated by Satjipto Raharjo in his progressive legal theory, according to him, the law should be something that serves to serve human needs, not the other way around. For example, a cook in Pak Andi's business can be paid up to Rp. 200,000/per day so that in a month he already gets a salary of Rp. 6,000,000. (six million rupiah) per month or exceeding the minimum wage in the city of Batam. As stated by Satjipto Raharjo in his progressive legal theory, according to him, the law should be something that serves to serve human needs, not the other way around.(Rahardjo, 2009). The quality of the law is determined by the ability to serve human welfare. The important core of progressive legal theory is that law enforcers can adjust the rules of written law to the situation and conditions of the community and or the legal needs of the community.(Rahardjo, 1980).

c) Give Legal Protection through a real Employment Agreement and Life Guarantee

The Manpower Law legally provides legal protection to workers and employers. The meaning of legal protection here must be translated in its entirety so that it does not cause content of law to the meaning contained in the labor law whose position is very strategic in the context of the development of the business world and the development of worker welfare guarantees. (Sadnyini & Tobing, 2020).

That the important meaning in implementing the opportunity to get a job in accordance with Article 5 of the Manpower Law is "every worker has the same opportunity without discrimination to get a job and every worker is treated equally and without discrimination. The thing about every worker getting the same opportunity, of course, must be in line with the government's responsibility in preparing Human Resources. That the State exists to provide equal protection to every worker to be able to obtain equal employment opportunities and be treated equally without discrimination is a right that is obtained by workers and is guaranteed by law.

In accordance with Article 9 to Article 30 of the Manpower Law, it has explicitly provided guarantees and at the same time protection and responsibility of the state to provide professional workers through manpower training which aims to equip workers with certain expertise, to fulfill the demands of the business world, with a guarantee that every worker has the right to the same.

Whereas matters concerning job training and protection of the rights of workers to get equal opportunities in developing their work skills competencies, the Manpower Law has clearly regulated the systematic implementation of job training, up to the empowerment of workers after conducting labor training in coordination with the local government. up to the Ministry of Manpower as the person in charge of implementing it as well as guaranteeing the implementation of efforts to implement the opening of opportunities to improve the skills of Indonesian workers.

Articles 31 to 38 of the Manpower Law on manpower provide legal protection and legal guarantees in the placement of workers. Equal opportunities for every worker to choose, get or change jobs and earn a decent income at home or abroad. The government also provides a guarantee regarding efforts to equalize opportunities to get job opportunities for all workers so that it does not cause discrimination in getting a job. Although Article 31 to Article 38 of the Manpower Law is more oriented towards the placement and protection of the rights of workers abroad, at least the articles mentioned above have described in detail the seriousness of the government to provide equal opportunities,

Article 50 to Article 66 of the Manpower Law clearly regulates the working relationship between employers and workers. The basic provisions before entering into an employment relationship have been described in Article 52, prior to the existence of an employment relationship between an entrepreneur and a worker, a work agreement must be made based on: an agreement between the entrepreneur and the worker, the ability of the entrepreneur and worker to interpret the contents of the agreement and the legal consequences of the agreement. the existence of the agreed

work, the wages received by the worker, the work provided does not conflict with the norms and provisions of the applicable legislation. In every work agreement, the rights and obligations of employers and workers must be clearly stated.

The Head of the Batam City Cooperatives and Micro Enterprises Service also said that the problem of remuneration for small and medium business sector workers in the culinary field in Batam City is still not fully monitored by the agency or may have been monitored by the Manpower Office. However, the coordination for the development of several small and medium enterprises in the city of Batam is still being carried out. The problem of wages for workers in the small and medium business sector is that some have met the minimum wage for the city of Batam, but it must be admitted that most of the small and medium enterprises in the city of Batam have not been able to pay workers in accordance with the minimum wage of the city of Batam. This can happen due to several factors that have not been resolved by the trade office and perhaps also by the Batam city manpower office.

Another fact that the researcher found after making observations at several culinary sales centers around Nagoya, Penuin most of the employees earn below the minimum wage of Batam city of Rp. 4,130,279, Even Santi, an employee of a fast food restaurant in Batam City, said that every month he gets a salary of Rp. 1,500,000. (one million five hundred thousand rupiah) per month. Santi is a girl from Moro Island, Karimun Regency who came to try her luck in Batam city, looking for work with a junior high school diploma, and then accepted at a fast food restaurant. Santi actually did not submit a job application to the restaurant, but got the job vacancy from a neighbor in the village. At the beginning of Santi's work with the restaurant boss, they only met and then explained that how to work, What time do you work and what is your salary? In a state of limited skill and education, Santi had no choice, she couldn't help but accept the job even though she felt the salary was low.

Santi also explained that she had worked at the restaurant for 6 months. Her job is only as a restaurant waitress, cleaning tables, and lifting used plates to the kitchen. Santi's working time is from 8.30 WIB to 16.30 WIB, sometimes if guests are busy Santi can only return to work at 19.00 WIB or even 21.00 WIB, according to Santi, she is not given or working overtime, but enough with Santi and other workers get dinner (Santi, 2020).

Another thing with the results of the researcher's interview with Mr. Agus, a Padang cuisine cook around Nagoya. According to Mr. Agus, his expertise as a cook for Padang dishes has been known for generations. For almost thirty years, Mr. Agus has been working as a cook, because Mr. Agus is an expert in cooking redang meat and some typical foods of West Sumatra. This skill has been passed from his grandmother (ninik in the Padang language) to his parents and now Mr. Agus is the next generation to inherit the cooking skills of Padang cuisine. Mr. Agus also told that almost all Padang dishes in Batam City must know him, because they are used by all Padang restaurants (Agus, 2020).

Regarding the wages that Mr. Agus gets in a day of cooking, Rp. 250,000. (two hundred and fifty thousand rupiah) up to Rp. 400,000. (four hundred thousand per day) and the payment is usually received after finishing cooking every day. According to Mr. Agus, in a day, the payment is Rp. 300,000. (three hundred thousand rupiah) then in a month Mr. Agus will receive a wage of Rp 9,000,000. (Nine million rupiah), such a large salary, explained Mr. Agus, that it is normal for a cook to cook Padang food in Batam. The system for paying wages and the amount of wages is an agreement, enough with the discussion between Mr. Agus and the restaurant boss, no need for a written agreement or work agreement. According to Mr. Agus, the restaurant owner has lost and cheated and did not fulfill the promise of the conversation earlier.

From the explanation of the Manpower Law, the sub-articles that explain this Law provide certainty of protection of the rights and obligations of workers in selecting and determining employment opportunities and opportunities, as well as the obligations and rights of workers and employers in binding themselves in a work agreement in order to provide wage certainty. and protection of workers' rights and obligations.

Combined with the facts of research results through observation data and researcher interviews with both employees and the results of interviews with employers, it is very clear that there is a fact that the Manpower Law does not accommodate the legal interests of Culinary Small and Medium Business Workers in Batam City. Whereas all this time, Culinary Small and Medium Enterprises in Batam City work for small salaries or do not comply with the provisions of the regulations contained in the Manpower Law in the article which clarifies that the employer's obligation must pay workers in accordance with the minimum wage that has been set by the government together with the trade unions. and entrepreneurs in accordance with the provisions of applicable regulations.

Culinary UKM workers in Batam City have been working without overtime pay, it is enough just to be given additional food because between Culinary UKM sector workers in Batam City and entrepreneurs do not include the rights and obligations of workers and employers in a work agreement before workers bind themselves and work with employers . This will cause new problems in the future for workers, because they cannot sue in any form to employers.

Regarding this problem in the theory of legal effectiveness put forward by Prof. Soerjono Soekanto, it is explained that one of the factors for the implementation of a legal product that is good and useful for the peace and welfare of the community is the factor of the community where the law is implemented. The public is asked to increase awareness and compliance with legal products, so that conditions of security, peace and happiness will be created which are the goals of universal legal development.

As a result of public ignorance about the existence of the Manpower Law, which is the only product of the law to protect the rights of workers' wages, coupled with the situation of the condition of the community that really needs work and cultural culture is sufficient with family negotiations, are

things that have the potential to not provide a guarantee of life. Culinary SME sector workers in Batam City.

3.2. Obstacles Occur in the Implementation of the Law on the Remuneration of Batam Culinary UKM Workers

The obstacle faced by culinary entrepreneurs in applying the minimum wage based on the Manpower Act is that there is an entrepreneur's inability to pay wages in accordance with the specified city minimum wage. However, the facts on the ground that entrepreneurs experience significant losses when paying their workers' wages according to the Batam City minimum wage, so that employers are forced to provide wages below the Batam City Minimum Wage so that their business can take place because the views of their employers are not like companies that require workers who have a certain education.

Mr. Zulfikar as the head of empowerment and development of micro-enterprises obtained information that basically wages for small and medium-sized business workers in the culinary field must still refer to the provisions Manpower Law on Wages. This is regulated in Article 88 paragraph (1) that every worker/labor has the right to earn an income that fulfills a decent living for humanity (Zulfikar, 2020).

Then Mrs. Miswati, mentioned that the provisions of The Manpower Law, especially regarding wages in the small and medium business sector in the culinary field. This is regulated in Article 88 paragraph 1 Every worker/ laborer has the right to earn an income that meets a decent living for humanity and Article 90 paragraph 1 Entrepreneurs are prohibited from paying wages lower than the minimum wage as referred to in Article 89, so this has violated the applicable rules. (Mismawati, 2020).

However, the facts on the ground are that many small and medium business entrepreneurs in the culinary field cannot apply the minimum wage to their workers because according to the entrepreneur the minimum wage is too high for entrepreneurs in the culinary field and according to the data submitted until now there has been no report on the problems experienced by workers in the culinary field. despite the fact that there are still many culinary workers who do not receive wages based on the city's minimum wage (Mismawati, 2020).

Based on the results of research conducted by researchers through observations and interviews with the Batam City Trade Office, Batam City Manpower Service and Batam City Culinary UKM entrepreneurs and workers, there are several factors that hinder the implementation of the law on the wages of Culinary UKM workers in Batam City, namely:

a) The Legal Factor Itself

The legal factor referred to by the researcher is that in Law No. 13 of 2003 concerning Manpower, it is not explained in detail how the position of SME - Culinary entrepreneurs with small

capital in the wage process. In the Manpower Law there is an article that contains a process of delaying the payment of wages according to the minimum wage that has been set for entrepreneurs who have not been able to provide workers' wages in accordance with the minimum wage that has been set by the government based on the results of deliberation between workers, employers and the government. The process of applying for workers' wages in accordance with the minimum wage submitted by the entrepreneur to the government will be submitted in accordance with the regulation of the Minister of Manpower.

b) Human Resource Factor

There are several facts that the researcher found through the results of interviews with Culinary SME sector workers in Batam City. Among them there are variations in wages between workers. For example, Mr. Agus and Along both have expertise in the field of cooking, the wages they receive per month are between Rp. 9,000,000 (nine million rupiah) and Rp. 12 000, 000 (twelve million rupiah), this of course exceeds the minimum wage for Batam city of around Rp. 4,000,000. (four million rupiah) is another with Santi and her friends, who work without having skills with a wage of Rp. 2,000,000 (two million rupiah) per month, of course below the minimum wage for the city of Batam.

From the facts of the existing research results, the researcher can conclude that all workers who are paid cheaply by employers are workers who do not have skills or expertise. In this case, the Manpower Law has also provided a guarantee for the implementation of job training for workers to improve human resources in filling the required national physical development process. The role of the state in preparing a good workforce has not yet been realized so that the community, especially Culinary SME workers in the Batam area independently, looks for work and is then hired according to their work abilities and is willing to accept wages according to the ability of the entrepreneur. This leaves workers with no bargaining power to get a salary or extra income.

Batam City Manpower Department data that in Batam there are two Work Training Centers (BLK) as a means of increasing the human resources of workers in the city of Batam have not been fully optimized. This is because it is constrained by large operational funds so that the Batam city government has not fully optimized the use of the BLK. As a result of the non-optimal use of BLK as a means of improving the HR of workers in Batam, the guarantee of providing job training for workers as outlined in the Manpower Law is difficult to realize and it can be stated that the Manpower Law does not provide a guarantee and certainty of hiring quality workers.

c) Difficulty To Get Job Opportunities

The Manpower Law has also provided a guarantee for the availability of equal employment opportunities for the entire community and without discrimination. However, the ratio of the population to the unequal job openings makes job opportunities difficult for workers to obtain.

The latest data in 2019 regarding job seekers in Batam, the number of job seekers who registered to look for work was 40,000. 30,779 workers out of 34,970 total job vacancies according to the Batam City Manpower Office data. This data is labor market data filled out by workers who already have work experience and education accompanied by expertise in the labor market. Then how many workers in the Culinary SME sector in the city of Batam have not been recorded by the Batam City Manpower Office. As quoted from the daily Batam Pos 24 June 2019 data from the Ministry of SMEs of the Republic of Indonesia, Batam has 81,486 SMEs. From the number of SMEs in Batam, if one business receives 7 workers, then this sector has accommodated 570,402 workers. The fact is that neither the Batam City Manpower Office nor the Batam City Trade Office have exact data on the number of labor absorption from the SME business sector in Batam City. As a result of the balance of the number of job seekers with very limited employment opportunities, so that there is no choice for workers, rather than being unemployed and having no income, it is better to receive a salary as it is, or just to pay for life, to get welfare or welfare insurance is something that is not possible. possible.

d) Factor Island People's Culture

Most of the culinary sector workers in the city of Batam come from the island communities around Batam. This happens because of the ease of sea transportation and has a family relationship with the indigenous people of Batam. The culture of the Malay community around the island of Batam is to depend their lives on marine products. This makes them always devote their lives to the catch of fish. Because they always devote their lives to the nature/sea sector, it is difficult for the islanders to send their children to a higher level. As a result of not having a high education with limited expertise, finally the Culinary UKM workers in the city of Batam, which are mostly filled by island children around Batam City, are willing to accept any kind of wages.

IV. CONCLUSION

This study concludes, the Manpower Law is not effective in protecting and fighting for the rights of SME workers in the Culinary sector in Batam City, this is because the main content of the main ideas and contents of the Manpower Law is oriented towards industrial and large-scale entrepreneurs so that the rights of Culinary Small and Medium Enterprise Workers are neglected. or SME workers in the culinary field are not discussed directly.

There are obstacles faced so that the payment of Culinary SME Workers' Wages is not in accordance with the Manpower Act, namely the Manpower Act itself is not in favor of SME workers in the Culinary sector, law enforcement factors are in favor of the government to prepare less experts, human resource factors, environmental factors where stay. Other obstacles such as: 1) The inability of entrepreneurs to apply the minimum Wage due to small turnover; 2) Some entrepreneurs employ their own relatives and families so they do not follow the minimum wage; 3) Workers who do not have

skills or expertise so that it becomes an excuse for culinary entrepreneurs; 4) The use of BLK is not optimal as a means of increasing HR of Workers in Batam; 5) The balance of the number of job seekers with very limited job opportunities, so there is no choice for workers; and 6) Uneducated workers so there is no choice.

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