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**Employment Rights Implementation and Industrial Relations Systems:  
The Case of the Outsourcing Policy in Banking Industry**

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## ABSTRACT

Outsourcing is sensitive subject in Indonesia, not only from manpower or employment point of views but also from the public policy angle. There were some violations happened at banking industry on outsourcing implementation. One example can be given when bank assigned outsourcing workers for core type of job, instead of supporting job as required by regulations. This is an example where outsourcing workers have limited avenue to seek for assistance to defend their rights for any dispute settlement and resolution. At least at the bipartite level when there is violation against their rights as a worker, including violation of employment rights, they have no representative to defend their employment rights. Generally, outsourcing workers have limited access or no union labor neither at outsourcing service provider as their employer or at their service user where they are currently assigned. However, though there are some “unfortunate” situations faced by outsourcing workers, but there are also situation where there are banks provide compensation and/or benefit and/or opportunities better than the law and decree requirements through outsourcing agencies. Furthermore, outsourcing workers who are placed in some banks have opportunities to enrolled in trainings as part of job requirements. Workers are also well prioritized for banks’ permanent role candidate selection. The outsourcing practice in Indonesia banking industry, specifically on how outsourcing workers received their employment rights including other added value benefits, have become the interest of researchers to have further study and analysis on the rationales. The research focusing on 3 different bank categories who are implementing outsourcing arrangements for their routine operations; 2 state-owned banks, 2 private-owned banks, and 2 foreign banks. The research and analysis should be able to complement previous studies on the outsourcing implementation. The purpose of the research is to have deep understanding on the outsourcing implementation in the banking industry, specifically whether banks have fulfilled obligations as required by the regulations, including outsourcing workers’ rights.

Research have resulted with: 1) banking industry outsourcing workers’ rights characteristic have already implemented as required by the relevant labor regulations. 2) As outsourcing user, 3 bank categories have fulfilled the completion of compensation and benefit as required by the Manpower Law number 13 Year 2003, including workers’ employment rights; wages, overtime pay, other forms of other welfare aspects, and type of work performed by outsourcing workers. And 3) Regulator or Government that governing the outsourcing implementation require banks to comply and implement regulations and policies as required.

Keywords: outsourcing, industrial relations, and public policy

## **INTRODUCTION**

Implementation of outsourcing policy, specifically on the banking industry, is the research subject. Practices and implementation of the outsourcing activities on the banking industry need to be analyzed to obtain answers for general questions whether outsourcing policy implemented as required by the regulations. Observations during the last twelve years in the bank where the researcher has been working, have not shown any serious regulation flaws. This understanding has become an important and interesting aspects for further research in order to provide scientific study and professional practice guidance.

Indonesia Financial Services Authority, have established specific decree for banking industry to implement outsourcing activities, complementing Manpower Law and Decrees on general outsourcing. The decree is FSA Decree No.09/POJK.03/2016 on “Prudent Principle for Bank in Delegating Some Jobs to Other Party” or in this Decree referred to with outsourcing. In the decree, outsourcing as mentioned in Article 2 paragraph (1) arranged by bank through specific agreements: a) business process outsourcing; and b) manpower outsourcing. For outsourcing jobs, the bank is obligated to ensure that the implementation of the routine works is in accordance with the implementing regulations. Bank also remains responsible and accountable for the jobs which delegated to the outsourcing agency or service provider. Based on the FSA Decree, bank only allowed to outsource supporting job (non-core job) on the bank activity process flow and banking support process flow. Bank is prohibited to outsource jobs which will transfer bank’s responsibility and risk of the job to outsourcing agency or service provider.

In general, outsourcing workers in the banking industry are not part of specific labor union. Although the Law No.13 Year 2003 does not specifically require establishing one, but this circumstance impacting outsourcing workers in having no representative managing their bipartite grievances and/or dispute resolutions. Outsourcing workers may have challenges when there is dispute, like violation of their employment rights. However, there are banks have been implementing policies with providing better benefits to outsourcing workers. Moreover, some banks prioritizing workers to be included to be bank’s permanent worker selection process, also enrol workers to specific job-related trainings – soft skills and technical skills.

The outsourcing arrangements in banking industry as described above have triggered researcher to conduct research and analyze further, specifically on the rationales of those banks provide better treatments and benefits to outsourcing workers.

## **LITERATURE REVIEW**

### **Theory of Outsourcing**

According to Khairani (2016), in principle outsourcing is a work method by delegating routine operations and management to third parties outsourcing service provider. Jobs are delegated from one company (service user) to other companies as service providers.

More studies presented by Kakabadse and Kakabadse (2005) defines the role of outsourcing in the company, based on the company's competitive advantage; Competitive advantage through sourcing externally can be achieved on the basis that:

- Outsourcing of non-competitive and/or peripheral activities allows management to focus on the core competencies of their organization and establish a clear differentiation from their competitors, and
- Achieving economics of scale allows the organization to gain from greater cost disciplines and the attainment of internal efficiencies.
- The critical difference between current and future outsourcing trends and practice is that greater importance is likely to attach to an existing trend of effectively managing relationships with key trusted suppliers.

Quelin dan Duhamel (2003) provide summary the purpose of companies implementing outsourcing methods for their routine operations, with references as the followings;

<b><i>Main motives identified</i></b>	<b><i>Main references</i></b>
- <i>To reduce operational costs</i>	- <i>Lacity &amp; Hirschheim (1993); McFarlan and Nolan (1995); Barthelemy and Geyer (2000); Kakabadse and Kakabadse (2002)</i>
- <i>To focus on core competencies</i>	- <i>Quinn and Hilmer (1994); Saunders et al (1997); Alexander and Young (1996); Kakabadse and Kakabadse (2002)</i>
- <i>To reduce capital invested.</i>	- <i>McFarlan and Nolan (1995); Kakabadse and Kakabadse (2002)</i>
- <i>To improve measurability of costs</i>	- <i>Barthelemy and Geyer (2000)</i>
- <i>To gain access to external competencies and to improve quality</i>	- <i>Quinn and Hilmer (1994); McFarlan and Nolan (1995); Kakabadse and Kakabadse (2002)</i>
- <i>To transform fixed costs into variabel costs</i>	- <i>Alexander and Young (1996)</i>
- <i>To regain control over internal departments</i>	- <i>Lacity &amp; Hirschheim (1993); Alexander and Young (1996)</i>

Implementation to outsource some jobs must be understood as business decision, which not only decided by the functional Managers, but it is the decision of the top Management at the corporate level. This statement defined by Grant, Insinga and Werle (2000, in Quelin and Duhamel, 2003):

Due to its strategic importance, outsourcing is a business decision that involves not only operational managers, but also top management. Outsourcing influences the resources allocated to business units as well as the level of vertical specialization of the firm's activities, both of which are strategic corporate decisions. Since it deals with modification of the firm's frontiers, strategic outsourcing, deemed as business strategy, is also a corporate strategy.

### **Industrial Relations in Indonesia**

Managements and employer organizations have the role in creating partnerships, developing business, expanding employment, and provide welfare workers/laborers in an open, democratic, and fairness. The industrial relations system which regulated and must be implemented based on the manpower Law and Decrees, regulate entire aspects of manpower matters, for instance; wages, working time, female workers, termination of employment relationships, as well as the concept of employment relationship (permanent/part- time/outsourcing). Based on the regulations, industrial relations are carried out through;

1. The labor unions;
2. Organization of employers;
3. The Bipartite institution;

4. The Tripartite institution;
5. Company Regulations;
6. Collective Labor Agreement;
7. Manpower related regulations;
8. Industrial Relations Dispute Settlement Institutions.

### **Outsourcing in Indonesia**

Implementation of outsourcing in Indonesia has started with the definition of sub-contracting work since the the Minister of Commerce Decree No.264 Year 1989 on the Sub-Contract Works for Processing Companies in the Industrial Area, which then confirmed in the Minister of Commerce Decree No.135 Year 1993 on Incoming and Delivery of Goods in the Industrial Area. Government have established labor related policies on outsourcing through the Minister of Manpower Circular No.08 Year 1990 on the Responsibility of the Service User on the Protection and Welfare of service Provider Workers. This specific Circular relates with the distinction between the protection and welfare of the service user workers with service provider workers. This inequality situation was completed with responsibility of the service user company to provide protection and welfare to the service provider workers'. However, this regulation implicating service user company, which then the Government established Minister of Manpower Decree No.02 Year 1993 on Fixed Term Employment Agreement (Saptorini, 2005). In the Manpower Law discussion, the House of Representative started the discussion with posited in its regard for various aspects of life. Outsourcing arrangements are also influenced by Indonesia economy crisis in the year 1997-1998 where investment has decreased its values and when Indonesia experiencing private sector slow-growth. The Government was considering opinions stating that Indonesia economy could grow if Indonesia implements the flexibility system on the employment market. Government decrease involvements in regulating the relationship between workers and employers. Resulted in establishments series of policies which promoting industrial relations flexibilities. This principle provides employers' flexibilities in with lesser strictness regulating relationship between employer and workers, according to Agusmidah (2011, in Khairani, 2016). In the outsourcing, flexibility principle contains positive and negative impact, workers must acquire competencies and skills which should be recognized as critical bargaining power with employer, instead of only accepting what would be determined by employer (Khairani, 2016).

Outsourcing principle in Indonesia is regulated in the Law No. 13 Year 2003 article 64, 65, and 66, with implementing regulations as stated in the Minister of Manpower Decree No.19 Year 2012, which replacing Minister of Manpower Decree No.101/MEN/VI/2012 and No.220/MEN/X/2004. According to the Decree, specific jobs which can be outsourced must meet essential requirements; 1) jobs are conducted separately from the main activities, 2) jobs performed with employer's direct or indirect command, 3) supporting the overall company activities, and should not disturbing routine operational directly. The outsourcing method is categorized into; business process outsourcing and manpower outsourcing. Manpower outsourcing can be conducted for; 1) facility cleaning services, 2) security guards, 3) transport providers for business workers 4) catering services for workers, 5) supporting functions for mining and petroleum industry. Workers job protection and working terms conditions must be as that of the outsourcing service user or at least in accordance with the manpower regulations.

### **Type of Outsourcing**

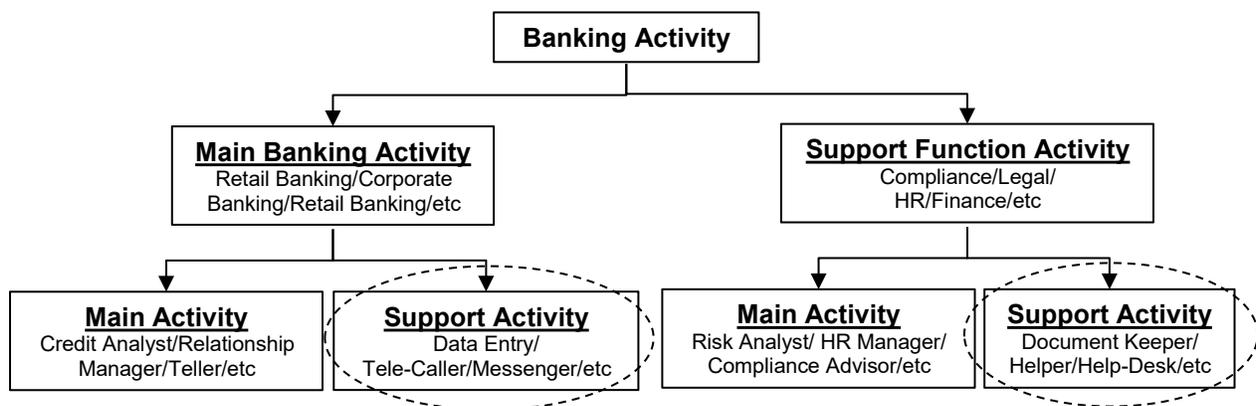
According Khairani (2016), outsourcing arrangements only regulated in Indonesia in 2003 through the Manpower Law No.13 Year 2003. The term outsourcing is not found in articles 63 or 64 or 65, as well as the explanation, since in the articles used the term; for delegating some jobs to third parties

as service chartering agreement and labor service provider agreement. Currently there are different terms in practice due to the lack of a clear definition for the specific arrangement in the Manpower Law, the popular term translates as “outsourcing”.

In general, outsourcing workers who have been working for more than 12 months in specific placement have starting feel at risk or insecure. They feel uncertain on their daily routines, because they are stationed at outsourcing user, however their employment status is with outsourcing provider. Their employment future is not clear, no job security for them because their employer contract with outsourcing user might get expired, then they will not be employed any longer. Outsourcing workers also feel that their compensation is considered lower than that of permanent worker of outsourcing users. Based on the research, some outsourcing provider companies have not included their workers to the mandatory employment social insurance program, but managed on self-insured program. However not all outsourcing provider companies behave not in accordance with the implementing regulations, there are still some (though not many) companies provide compensation and benefits as required by regulations (Wahyuni, et al 2009).

**Outsourcing Implementation in Indonesia Banking Industry**

The Financial Services Authority Circular No. 11/SEOJK. 03/2017 stated that for banking industry, the outsourcing jobs only allowed for supporting job (non-core job) on the bank activity process flow and banking support process flow. Bank is prohibited to outsource jobs which will transfer bank’s responsibility and risk of the job to outsourcing agency or service provider. Supporting jobs are non-banking jobs which can be bank related supporting jobs or support function type of jobs, for instance; human resources, risk management, compliance, internal audit, accounting and finance, information technology, logistics and security, with requirements, 1) those jobs are not decision-making type of job, 2) not requiring advance banking competency, and 3) contains low risk. In summary, outsourcing jobs in banking industry described as the chart below (summary of the Financial Services Authority Decree dissemination, No.09/POJK. 03/2016);



*(Banking Activity Chart)*

Banks are required to comply with regulations, including manpower regulations. However, in practice not all banks implement employment aspects as required, including outsourcing arrangements. Breaches performed by some banks, either employment status or compensation or other requirements. In 2008, there were outsourcing workers who assigned at state-owned bank for more than 10 years but did not getting their employment rights as required (Hukumonline, 2008). In addition, the Director of the Employment Requirement, Welfare and Discrimination Analysis of the Ministry of Manpower and Transmigration have stated in 2013 that the banking industry did not fully complied with outsourcing

arrangement regulations, due to the reason of limited understanding of manpower regulations. Example occurred in 2013 when one specific private-owned bank still has Teller assigned in the branches works under the outsourcing arrangement, whereas Bank Indonesia Decree (at the time) stated that Teller job must not be managed by outsource worker, because the job is categorized as bank's main activity (Republika.com, 2013). In 2014 the Ministry of Manpower and Transmigration called 13 state-owned companies that allegedly violated the terms of employment, the provision of outsourcing, where among those 13, there are 2 state-owned banks (Medan Business, 2014). In addition, there were incident which demonstrates weak oversight of the bank towards outsourcing arrangement inside the bank. Incident happened in 2011 when Bank's Debt Collector (outsource worker) of one foreign bank committed in conducting physical and psychological violence to clients, resulted in the death of the client (FinanceDetikCom, 2011).

## **METHODOLOGY**

This research uses combined approaches, quantitative and qualitative methods (Mixed Method). This approach involves philosophical assumptions, the application of approaches; qualitative and quantitative, and mixing the two approaches in a single research study. The research strategy using sequential explanatory strategy. This strategy is applied with data collection and analysis of quantitative data in the first stage followed by data collection and analysis of qualitative data on the second stage which constructed based on the preliminary results of the quantitative analysis. Weights or more priority given to quantitative data. Mixing data in this strategy occurs when initial quantitative result informs the process of qualitative data collection (Creswell, 2014). Sugiyono (2011) stated that the combination research method (mixed methods) is a research method which combines or combining quantitative methods with qualitative methods to be used as collective research activities, so that the retrieved data is more comprehensive, valid, and reliable.

Sampling of informant uses non-probability sampling because each bank has different worker population for this research. Population of this study are all outsourcing users, 3 bank categories which consists of 6 banks; 2 state-owned banks, 2 private-owned banks and 2 foreign banks - BRI, BNI, Bank Permata, BTPN, HSBC and Standard Chartered.

In summary, as the research instruments outline, data which need to be obtained and research approach described in the following table:

<b>No.</b>	<b>RESEARCH QUESTION</b>	<b>METHOD</b>	<b>DESCRIPTION</b>	<b>APPROACH</b>
1.	How is worker's employment rights characteristic, specifically for banking industry outsourcing worker in Indonesia industrial relations system?	Quantitative	Descriptive	Questionnaire Document
2.	How is worker's employment right implementation and consequence in the banking industry outsourcing practices?	Quantitative Qualitative	Comparation	Interview and Observation
3.	How is the stand-point of government and union labor on the outsourcing worker's industrial relations rights implementation?	Qualitative	Descriptive	Interview and Observation

Based on the research question formulation, then the hypothesis of the research can be described as the following:

Hypothesis 1.

Ho: there are differences in the implementation of the outsourcing worker rights fulfilment of in state-owned banks, private-owned banks and foreign banks.

Ha: there is no differences in the implementation of the fulfilment in state-owned banks, private-owned banks and foreign banks

This Hypothesis was tested through foreign test Anova statistics.

To answer or to prove the hypothesis of the study, gap analysis conducted as described below:

1. Gap analysis between the regulations, regarding the practice of outsourcing, with the concept of an ideal industrial relations. This gap analysis should be done with a quantitative method with the data obtained through the study of documentary, and triangulation with academics. Performing this approach, should be able to understand on how far the regulations concept that govern the practice of outsourcing in Indonesia in accordance with the concept of the ideal protocol or an academic ideal principle, as the basis of the regulation.
2. Gap analysis between regulations that govern the practices of outsourcing with stakeholder expectations (outsourcing workers, outsourcing service users, providers of outsourcing services, unions), specifically outsourcing workers. The analysis is also measuring the implementation gap of outsourcing in the banking industry. This gap analysis will be conducted through qualitative and quantitative methods. Qualitative methods are done to find out how actual stakeholder expectations on the banking industry outsourcing practices.
3. Gap analysis between the regulations with the actual implementation, based on each stakeholders' attention. This analysis should use qualitative method, measuring the level of compliance.

To understand and assessing quantitative data on the factual implementations of outsourcing practices in the banking industry, need to conduct quantitative data with correlation test analysis tools. Correlation assessment is made to obtain if there is relationship between each of the variables in the analysis research model. Correlation assessment conducted for variables as follows:

- Implementation of banking industry outsourcing practices (x1, x2) towards the outsourcing worker's employment rights implementation (x3)
- Compliance (x2) towards regulations implementation (x6)
- Worker's employment rights implementation (x3) against employment status (x6)
- The right to form and join union and working conditions (x4) to training and development (x5)
- Stakeholder expectations, against the practice of banking industry outsourcing, regulations and the worker's employment rights fulfilment

## **RESULT & DISCUSSION**

### **Descriptive Data Findings**

First, in the process of recruitment, the respondent stated that in addition to interview process with outsourcing provider, workers also had interview process with outsourcing service user (bank). Respondent also understand that in the recruitment process they must comply with the standard set by the bank. One critical aspect that respondent understood during the recruitment process is that they are required to give their commitment to maintain bank secrecy. On the analysis shown there is one variable where some foreign bank respondents stated that their recruitment process did not require psychological

test, written and interview with outsourcing companies. Recruitment process conducted by outsourcing service provider in two stages; with service provider, then service user (bank). According to P, Head of Talent Acquisition of the Foreign Bank F, this process is fixed because the prudence level of the bank is higher compared with other industries, especially on foreign bank.

Second, outsourcing workers realized that they are outsourced labor in accordance with their employment agreement. In general, outsourcing workers stated that their job in the banks which they're assigned, is not categorized as high-risk jobs for the service user. They understood that their job considered as supporting type of job; in which they are not in a role which require them to have direct meeting with bank's clients, as well as having meetings with senior managers and/or directors. Therefore, the job category is clearly not decision-making type of responsibility. Most of the outsourcing workers on 3 banks responded that their employment with their employer (service provider) based on fixed term contract employment or temporary contract employment basis, which contract has even been extended more than 3 times or more. Some workers who are assigned at private owned banks and foreign banks stated that they have been done the same job for more than three years on more than one service provider, each employer hired them based on temporary contract employment. Based on an interview with HR General Manager of state-owned bank A, bank as service user have preference to release the outsourcing employment responsibilities to the outsourcing service providers as part of delegating the works to third party.

Third, on the parameters "Welfare", outsourcing workers as respondents understood that their employment agreement clearly stated their rights and obligations as an employee, including among them; wages, leave days, overtime pay, working time, health benefits, and others. Outsourcing service providers complied with manpower regulations which they are registering their workers to the employment social insurance service provider (BPJS) and to provide religious payment as required by the law. Outsourcing workers who are assigned at the state-owned bank confirms with high percentage that their wages have already comply with the minimum wage standard. Most of outsourcing workers responded that their health benefits/facilities and the number of annual leaves are not the same as the bank's permanent workers where they are assigned. Almost all respondents stated that other than the BPJS, there no additional health services, either provided by the service provider or bank as service user (clinic outside office/medical insurance).

Fourth, outsourcing worker aspired to have representation in specific unions within a company where they are employed or assigned. They are also unable to register themselves as a union member at the bank where they are assigned. On the office facilities, almost all workers have stated that the bank as service user have provides complete facilities as required by their jobs. In addition, they have also stated that the detail explanations and instructions about each job, as well as the evaluation are presented very clear to each outsourcing workers. Based on the survey, managers of private-owned banks provided much detail explanations of the job, as well as the job objectives. This attention does not show in state-owned banks and foreign banks. Workers also have stated that they did not receive specific bonus, either from the service user (bank) or service provider.

Fifth, services providers generally do not provide training to their workers before assigning them to service users, specifically those who are assigned in private owned banks and foreign banks. Service users (bank) regularly conducting competency development programs such as trainings, for outsourcing workers to complete their job as required. In General, outsourcing workers who are placed in three bank categories acquiring basic training as well as advanced programs, particularly with regard on how to maintain the bank confidentiality principle, conduct and discipline, safety, information confidentiality, prohibition of money laundering, corruption and bribery prohibitions, and other trainings – specifically in foreign banks. In addition, service users also provide training programs, among others; English language, business communication, presentation skills, negotiation skill, and other training modules, especially by

the private owned banks. Based on the interview with HR Business Partner K of private owned bank C, each bank has their own internal principles, specifically in implementing the principle of bank prudential and how to manage business risks, therefore all workers who work for the bank, including outsourcing workers who are assigned to the bank are required to understand and implement all matters relating to those principles. Therefore, bank as service users provide trainings to all individuals who employed by the bank including outsourcing workers, either classroom or electronic training programs.

Sixth, the outsourcing workers stated that they wished to become permanent worker in the bank where they are assigned. Workers generally of the opinion that the requirements to become a permanent workforce can be fulfilled. Moreover, those workers do not feel any element of discrimination in the recruitment and selection processes. Workers also stated that during selection process for permanent employment at the bank, they feel that they are treated based on equal opportunities in compare with other candidates. Majority, outsourcing workers who are assigned in the state-owned banks believe that they are more able to meet requirements to get accepted as permanent worker at the bank, as well as more certain that there is no elements of discrimination.

**Segmentation Analysis with Reliability Analysis**

Segment 1: Relationship between Outsourcing Worker and the Outsourcing Service User - Bank

<b>Reliability Statistics</b>	
Cronbach's Alpha	N of Items
.595	31

<b>Hotelling's T-Squared Test</b>				
Hotelling's T-Squared	F	df1	df2	Sig
2196.954	75.324	27	324	.000

Segment 2: Relationship between Outsourcing Worker with Outsourcing Service Provider

<b>Reliability Statistics</b>	
Cronbach's Alpha	N of Items
.570	19

Hotelling's T-Squared Test				
Hotelling's T-Squared	F	df1	df2	Sig
9895.834	422.745	22	328	.000

### **Banking Industry Outsourcing Worker Employment Rights Characteristic**

On this research, attributes which can be categorized as banking industry outsourcing worker employment rights characteristic can be defined as follow;

Segment 1:

Variable	Attribute
X2.4	My job does not require advance banking knowledge and experiences
X2.5	My job does not have high risk which may generate negative impact to the bank where I am assigned to
X4.4	My supervisor at the bank where I am assigned to, have provided me detail explanation and clear job objective either in written or verbal on what I need to accomplished
X6.1	I am aspired to be accepted as permanent worker at the bank where I am currently assigned to
X6.2	I am going to sign up for permanent worker selection process at the bank where I am currently assigned to
X6.3	On regular basis, bank where I am currently assigned to, have conducted selection and recruitment process for permanent worker roles
X6.4	I am qualified to sign up for permanent worker selection process at the bank where I am currently assigned to, without any discrimination during the selection process

In the relationship between outsourcing workers with the service users, there are 7 attributes out of 31 attributes that corresponds to the conceptual definitions for the characteristics of the outsourcing workers' employment right. There are two attributes, which are Financial Services Authority requirement for an outsourcing job; whether the job requires advance knowledge and experiences in banking and do not require high risk for the bank's operational. Detail explanations are provided by bank as the service users to outsourcing workers on the jobs which must be performed, fits with the conceptual definition of relations between workers and services users. In addition, the relationship between workers and the service users can be shown when workers have aspiration to enrol at the recruitment and selection process to be permanent worker at the bank where they are assigned to. Hence, to assess whether there is correlation whether workers have aspiration to become the bank's permanent worker. Furthermore, on the recruitment and selection process, bank does not discriminate outsourcing worker or other candidates to be accepted to be permanent worker at the bank.

Segment 2:

Variable	Attribute
X1.1	I started working with recruitment process conducted by the outsourcing service provider
X2.1	I understand that I am an outsourcing worker assigned at the service user (bank) where I am currently assigned to

<b>Variable</b>	<b>Attribute</b>
<b>X2.2</b>	My job which I have been doing in the service user (bank) is supporting jobs as required by regulations
<b>X2.3</b>	My role will not be able to make decision making process, specifically related with bank strategic or operational decision
<b>X2.18</b>	In the case that my employment status with the outsourcing service provider is on contractual basis or fixed term contract, my employment agreement has been extended for 3 times or more
<b>X2.19</b>	In the case that my employment status with the outsourcing service provider is on contractual basis or fixed term contract, I have been assigned for the same job at the same service user for more than 3 years, however I have always been moved to 2 or 3 different outsourcing service providers for instance: I work on temporary basis in service provider A as Data Entry Clerk for 24 months, then I was asked to move to service provider B with new temporary basis agreement for another 24 months Data Entry, and another sets of agreement
<b>X2.20</b>	In the case that my employment status with the outsourcing service provider is on contractual basis or fixed term contract, I have been assigned for different job at the same service user for more than 3 years, however I have always been moved to 2 or 3 different outsourcing service providers for instance: I work on temporary basis in service provider A as Data Entry Clerk for 24 months, then I was asked to move to service provider B with new temporary basis agreement for another 24 months as Administration Clerk, and another sets of agreement
<b>X3.1</b>	Clearly stated on the employment agreement between I and outsourcing service provider as my employer; my employment rights and my obligation, for instance; wages, leave days, overtime pay, working hours, health coverage, etc as required by regulations
<b>X3.2</b>	I received my wages in accordance with the minimum wage requirements
<b>X3.3</b>	My overtime pay implemented with formula as required by the regulations
<b>X3.4</b>	I have already listed as BPJS member (social insurance provider) of Employment, Health and Pension
<b>X3.6</b>	Religious allowance pay has been provided to me with formula and period as required by regulation
<b>X4.2</b>	There is labor union in the outsourcing service provider company where I'm employed
<b>X4.3</b>	I have aspiration that there is going to be labor union in the outsourcing service provider company where I'm employed
<b>X4.7</b>	I will get performance bonus if I can achieve my job objectives, either from outsourcing service provider or from bank as service user
<b>X6.5</b>	For any permanent worker recruitment needs in the bank where I have been assigned, outsourcing worker has become a priority

On the relationship between outsourcing worker with the outsourcing service provider, there are 16 attributes out of from 19 that corresponds to the conceptual definitions for the characteristics of outsourcing workers employment rights. Service provider is the employer who performs the process of recruitment, employment agreement is established between the two parties. The agreement does include detail explanation of the rights and obligations of each party. Need to understand whether workers realized that their employment status is with outsourcing services provider. In accordance with regulations governing outsourcing in the banking industry, need to understand whether the outsource work which conducted at the bank as service user is supporting type of job that does not require the bank's strategic decision making. Statutory employment rights have been provided to outsourcing workers? For instance; wages, overtime pay, leave days, social security allowances, religious pay, the right to form

labor union. Attribute also include explanation whether outsourcing workers' employment agreement with their employer is based on permanent employment or temporary based. If the status of the works is a temporary based of employment, whether the agreement has been extended more than 3 times for the same work or different type of. Another aspect that need to understand, whether during the extension workers have been moved to different outsourcing service providers.

### **Banking Industry Outsourcing Workers Employment Rights Fulfilment**

According to Khairani (2016), the Law No. 13 year of 2003 on Manpower Law and Law No. 2 of year 2004 on the Industrial Relations Dispute Settlement regulates the workers' employment rights implementation. Specifically, on the social insurance for workers regulated by the Law No. 24 year 2011 which regulates about entitlement to benefits of social insurance of employment and health. In addition to that, on the social security for pension, regulated by the Decree No. 45 year 2015. Those regulations stated above contains statutory compensation and benefit which must be provided by employers to their workers. The definition also applied to outsourcing workers, in which workers must get statutory employment rights as required by regulations.

The implementation of employment rights of outsourcing working in the banking industry in this research conceptually shown by some attributes in segment one and the segment two. Attributes that can be included are: 1) an opportunity to be included to recruitment and selection process for permanent workers at the bank where they are currently assigned, 2) the wage received is at the minimum wage requirements, 3) overtime pay paid as required formula, 4) registered as participants of the workers social insurance for employment, health and pensions, 5) religious pay, 6) additional health coverage or services, and 7) leave days provided for outsourcing workers in compare with that of service user permanent employees.

### **Multiple Correlation Analysis**

The analysis conducted simultaneously when reliability test was conducted. Based on analysis, there are 7 attributes on the segment 1 that have strong multiple correlation, while on the segment 2 there are 5 attributes which have strong multiple correlation.

Research Attributes with Strongest Correlation – Segment 1  
(Relationship between outsourcing workers with the bank as service user)

<b>Attribute No.</b>	<b>Description</b>	<b>Squared Multiple Correlation</b>	<b>Mean Score</b>
X2.7	My job involves analysis or thorough analysis in approving product/services to clients (for instance: credit card/commercial funding/business loan/non-collateral credit/etc)	,540	2,78
X2.13	My written employment agreement clearly stated that I am the worker of the outsourcing service provider company	,531	3,85
X2.12	I often conducting presentations on the job that I am assigned, to Unit Managers and sometimes to Director	,490	2,85

Attribute No.	Description	Squared Multiple Correlation	Mean Score
X5.3	I have enrolled to trainings conducted by service user, contains detail job and other requirements for me to accomplish my objective as required	,452	3,78
X4.6	My performance appraised on annual basis by Supervisor who has been my direct report at the bank where I am assigned to	,439	3,82
X6.3	On regular basis there are opportunity to sign-up for permanent worker recruitment and selection process at the bank where I am currently assigned	,423	3,58
X5.4	Bank where I am currently assigned provided basic banking related trainings, for instance: confidentiality principle, code of conduct, health and safety, information confidential information, anti-money laundering, anti-corruption and bribery, and other trainings	,410	3,67

Based on the analysis, there are 7 attributes out of 31 on the segment 1 which significant in relates with the outsourcing workers' employment rights implementation. Attributes that are relevant is only attribute X6.3. The mean score of attribute X6.3 shown 3.58, which means workers understand that they have opportunities to sign-up to recruitment and selection process tends to be high for all respondents. On the description of attribute X6.3 the bank periodically conducts recruitment and selection for permanent worker positions.

#### Research Attributes with Strongest Correlation – Segment 2

(Relationship between outsourcing workers with the outsourcing service provider)

Attribute No.	Description	Squared Multiple Correlation	Mean Score
X3.4	I have already listed as BPJS member (social insurance provider) of Employment, Health and Pension	,871	3,64
X3.2	I received my wages in accordance with the minimum wage requirements	,855	3,81
X3.3	My overtime pay implemented with formula as required by the regulations	,847	3,87
X3.6	Religious allowance pay has been provided to me with formula and period as required by regulation	,576	4,04
X3.5	Other than health social insurance, the company where I work offering additional health facilities, for instance: clinic/monthly medical allowance/individual health insurance/etc	,554	3,18

According to correlation analysis, there are 5 attributes out of 19 on segment 2 have significant impact on the outsourcing worker employment rights completion. In the context of the relationship between outsourcing worker their employer – outsourcing service provider, relevant attributes are: X3.4 X3.2 X3.3 X3.6, X3.5, or consists of all attributes. Significant attributes describe some statutory employment rights provided by the outsourcing service provider. Employment rights that must be

provided to workers are; employee social insurance for employment, health and pension, minimum wage as required by regulations, overtime pay as required by regulations, religious allowance with period and formula as required, whether workers entitled for additional health facilities.

### **Factor Analysis**

Factor Analysis Segment 1

	COMPONENT								
	1	2	3	4	5	6	7	8	9
X2.12	.758	.033	.041	.098	-.121	.152	.047	-.040	.099
X5.3	-.233	.711	.093	.245	.153	-.149	-.067	.019	.159
X4.5	-.134	.027	.827	.036	.097	.008	-.070	-.047	.022
X3.7	-.020	-.227	.110	.625	.157	.127	.343	-.239	-.201
X2.6	.199	-.048	.56	.007	.797	-.079	.016	-.080	.085
X1.4	.119	.063	-.036	-.038	-.099	.763	.084	-.066	.019
X2.10	.045	.173	.103	.102	.109	.108	-.697	.100	-.026
X6.2	.001	-.127	.004	.016	.015	-.082	.083	.844	.058
X2.15	-.102	1.67	-.033	.108	.064	.046	.058	.099	.754

Factor	Variable	Description	Mean Score
Factor 1	X2.12	I often conducting presentations on the job that I am assigned, to Unit Managers and sometimes to Director	2.85
Factor 2	X5.3	After I have got assigned to the bank as service user, I must attend to trainings conducted by the bank, which training subject relates with the job	3.78
Factor 3	X4.5	Office supplies, for instance computer, information system, telephone, and stationaries provided, prepared by the bank as service user	3.95
Factor 4	X3.7	My health allowance/facilities is the same with that of permanent workers of the bank where I am currently assigned to	2.64
Factor 5	X2.6	My job includes conducting a meeting with clients	2.38
Factor 6	X1.4	Recruitment and selection process is also based on required standard at the bank where I'm currently assigned to	4.09
Factor 7	X2.10	At the job that I am assigned to, there is (are) permanent worker(s) doing the same job as I am	3.23
Factor 8	X6.2	I am going to sign up for permanent worker selection process at the bank where I am currently assigned to	4.34
Factor 9	X2.15	My job in the bank where I am currently assigned to is continuous type of job in this bank/permanent type of job/not on temporary basis	3.31

Based on the segment 1 factor result analysis, there is 1 out of 9 factors relevant with the outsourcing worker employment rights completion. In the relationship between workers with service users, only attribute X6.2 is relevant. The mean score of attribute X6.2 shows 4.34, which means the opportunity to to join recruitment and selection process tends to be high. The mean score of 4.34 out of 5.00 shows that outsourcing workers aspirations to become permanent worker at the bank where they are currently assigned is high. The opportunity to became permanent workers will not be missed by most outsourcing employees.

Factor analysis of segment 2 obtained 6 factors out of 19 attributes as described in the following table:

Factor Analysis Segment 2

	COMPONENT					
	1	2	3	4	5	6
VAR00028	.932	-.045	.009	.040	-.006	.032
VAR00023	-.235	.764	.123	-.064	.196	.124
VAR00031	-.071	.020	.877	.54	.177	-.030
VAR00040	.154	.056	.066	.722	.109	.047
VAR00001	-.037	.008	.070	-.027	.759	-.226
VAR00006	.041	.062	-.046	.076	-.148	.703

Factor	Variable	Description	Mean Score
Factor 1	X3.3	My overtime pay implemented with formula as required by the regulations	3.87
Factor 2	X2.18	In the case that my employment status with the outsourcing service provider is on contractual basis or fixed term contract, my employment agreement has been extended for 3 times or more	3.18
Factor 3	X3.6	Religious allowance pay has been provided to me with formula and period as required by regulation	4.04
Factor 4	X4.7	I will get performance bonus if I can achieve my job objectives, either from outsourcing service provider or from bank as service user	3.21
Factor 5	X1.1	I started working with recruitment process conducted by the outsourcing service provider	4.02
Factor 6	X2.1	I understand that I am an outsourcing worker assigned at the service user (bank) where I am currently assigned to	4.23

Segment 2 factor analysis result shown that there are 6 attributes out of 19 relevant outsourcing worker employment rights implementations. In the context of relationship between workers and service providers, there are 6 relevant attributes; X3.3, X2.18, X3.6, X4.7, X1.1, 2.1. In summary, clearly stated that outsourcing service provider is the party who is responsible to complete the employment rights of outsourcing workers who are assigned to bank as an outsourcing user. On the variable X3.3, X2.18, X3.6, X 4.7, X1.1, X2.1, where the mean score showing above 3.00 which means all outsourcing workers are aspire that their employment rights are similar with that of bank’s permanent workers.

**Description of Outsourcing Worker Employment Rights Implementation**

Based on explanation above using two analysis tools, following attributes resulted as a conclusion of the combination between factor analysis and multiple correlation analysis

Segment 1, Relationship Between Outsourcing Workers with the Bank Service User

X6.2	I would like to sign-up for permanent worker recruitment and selection at the bank where I am currently assigned to
X6.3	On regular basis there are opportunity to sign-up for permanent worker recruitment and selection process at the bank where I am currently assigned

Segmen 2, Hubungan Pekerja Outsorcing Dengan Perusahaan Outsorcing

X1.1	I started working with recruitment process conducted by the outsourcing service provider
X2.1	I understand that I am an outsourcing worker assigned at the service user (bank) where I am currently assigned to
X2.18	In the case that my employment status with the outsourcing service provider is on contractual basis or fixed term contract, my employment agreement has been extended for 3 times or more
X3.2	I received my wages in accordance with the minimum wage requirements
X3.3	My overtime pay implemented with formula as required by the regulations
X3.4	I have already listed as BPJS member (social insurance provider) of Employment, Health and Pension
X3.5	Other than health social insurance, the company where I work offering additional health facilities, for instance: clinic/monthly medical allowance/individual health insurance/etc
X3.6	Religious allowance pay has been provided to me with formula and period as required by regulation
X4.7	I will get performance bonus if I can achieve my job objectives, either from outsourcing service provider or from bank as service user

Outsourcing workers who are assigned at banks as service users aspire to become bank's permanent worker. When the recruitment and selection process conducted by the bank, workers prepare themselves on the requirements then they're applying for the vacant position. The implementation of the recruitment and selection process for the processes have similar responses among 3 bank categories. According to G, the HR General Manager of state-owned bank A, outsourcing workers aspire to get permanent position on the bank service user. The role is even possible to be accepted on one flagship program along with other applicants who are fresh graduated. Outsourcing workers recruitment and selection process for permanent role has been conducted at the same process as that of for other candidates, such as tests of cognitive ability assessment, competency, one-on-one interview, English, and other requirements.

### Correlations Test Analysis

1. Variable Tests of Welfare, Working Condition, and Development (X) Towards Employment Agreement (Y)

			X3,4,5 ke X2	1 : 1
Spearman's rho	X3,4,5 ke X2	Correlation Coefficient	1,000	-,412**
		Sig. (2-tailed)	.	,000
		N	702	702
1 : 1		Correlation Coefficient	-,412**	1,000
		Sig. (2-tailed)	,000	.
		N	702	702

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Based on the test result table shown that the value sign  $(0,000) < 0,05$ . The test can be resulted that **there is correlation** between variables (X): welfare, Working Condition, and Development towards Variable (Y): Employment Agreement.

2. Implementation of Banking Outsourcing Practices (X) towards Worker Employment Rights Completion (Y)

Correlations			1 : 1	X1,2 ke X3
Spearman's rho	1 : 1	Correlation Coefficient	1,000	-,866**
		Sig. (2-tailed)	.	,000
		N	702	702
	X1,2 ke X3	Correlation Coefficient	-,866**	1,000
		Sig. (2-tailed)	,000	.
		N	702	702

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Based on the test result table shown that the value sign (0,000) < 0,05. The test can be resulted that **there is correlation** between variables (X): Implementation of Banking Outsourcing Practices towards Variable (Y): Worker Employment Rights Completion.

3. Variable Tests of Compliance (X) towards Regulations Implementation (Y)

Correlations			1 : 1	X2 ke X6
Spearman's rho	1 : 1	Correlation Coefficient	1,000	-,867**
		Sig. (2-tailed)	.	,000
		N	702	702
	X2 ke X6	Correlation Coefficient	-,867**	1,000
		Sig. (2-tailed)	,000	.
		N	702	702

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Based on the test result table shown that the value sign (0,000) < 0,05. Resulted with conclusion that **there is correlation** between variable (X): Compliance towards variable (Y): Regulations Implementation.

4. Workers Employment Rights Implementation (X) Towards Employment Status (Y)

Correlations			1 : 1	X3 ke X6
Spearman's rho	1 : 1	Correlation Coefficient	1,000	-,836**
		Sig. (2-tailed)	.	,000
		N	702	702
	X3 ke X6	Correlation Coefficient	-,836**	1,000
		Sig. (2-tailed)	,000	.
		N	702	702

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Based on the test result table shown that the value sign (0,000) < 0,05. The test can be resulted that **there is correlation** between variables (X): Workers Employment Rights Implementation towards variable (Y): Employment Status.

5. Rights to Unionized and Working Condition (X) Towards Development (Y)

Correlations			1 : 1	X4 ke X5
Spearman's rho	1 : 1	Correlation Coefficient	1,000	-,636**
		Sig. (2-tailed)	.	,000
		N	702	702
	X4 ke X5	Correlation Coefficient	-,636**	1,000
		Sig. (2-tailed)	,000	.
		N	702	702

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Based on the test result table shown that the value sign (0,000) < 0,05 The test can be resulted that **there is correlation** between variables (X): Rights to unionized and working condition towards variable (Y): Development.

**Post Hoc Test**

The following step is to conduct post hoc test in accordance with the results of homogeneity test. Where the test for heterogenous variance attributes through Bonferoni test, whereas attributes with homogeneous variance conducting through Games-Howell test.

The employment agreement based on the temporary based or fixed term agreement on almost all bank categories, there are outsourcing workers who have experienced contract extension for more than 3 times. State-owned bank outsourcing worker responds have shown that the extension of more than 3 times are higher in compare with foreign bank, while the private-owned banks are the lowest on the responds of extension.

The completion of the employment rights to outsourcing workers who are assigned to the 3 bank categories, are not much different. Specifically, in the fulfilment of the wages, overtime pay, employee social insurance, and religious pay. Additional health facilities also not provided by banks other than medical coverage of employee social insurance. On the variable X3.5 stated that all banks not giving additional medical allowance or facilities.

Attribute		State-Owned Banks	Private-Owned Banks	Foreign Banks
X2.18	More than 3 times contract extension	YES	YES	YES
X3.3	Overtime pay implemented as required	YES	YES	YES
X3.4	Listed as employee social insurance member – employment, health, pension	YES	YES	YES
X3.5	Additional health facilities other than employee social insurance	NO	NO	NO
X3.6	Religious pay implemented as required	YES	YES	YES

## **Summary**

It can be concluded from the research results that:

1. With outsourcing arrangement, bank's permanent workers as outsourcing service user can prioritize their main jobs, and delegating supporting type of jobs to outsourcing workers. This arrangement will form the bank at more efficient in achieving high productivity and profits. Employment rights characteristics which received by the outsourcing worker in the banking industry is compliant with the regulations. Outsourcing service providers who assigned their workers to the 3 bank categories, have written business agreement with the banks. Not only banks governance principle requires them to comply with regulation, but also all banks have high values as part of their culture in running the business, therefore banks treating outsourcing workers humanely. Workers also have opportunities to join specific trainings and to get into recruitment and selection process for permanent job at the bank where they are currently assigned, because workers aspire to be the bank permanent worker.
2. Outsourcing workers who are assigned at 3 bank categories received their employment rights as required by the Law No. 13 year 2003. The rights fulfilment specifically are wages, overtime pay, and other benefits. In addition to the statutory rights fulfilment workers have opportunity to sign-up for recruitment and selection process to be permanent worker of the bank. In terms of the competency development, outsourcing workers have chances to join trainings relate to general banking knowledge as well as soft skill subjects. There are 2 bank categories provide additional rights to outsourcing workers. Those banks provide those additional substance to outsourcing service provider (agency), then the agency give it to each outsourcing worker who is eligible to receive. Some bank categories implement control functions in addition to the control methods as required by regulations. The system is to monitor and assess the governance of outsourcing implementation, specifically on; selection process of the outsourcing service provider and the fulfilment of the employment rights of outsourcing workers (wages, overtime pay, leave days, background checks, trainings as required for their jobs).
3. Outsourcing arrangement at 3 bank categories are generally conducted as required by regulations, including the status of employment or employment relationships with outsourcing service providers, as well as responsibility to fulfil workers' employment rights. However, there are findings at almost all 3 bank categories in terms of the extension of employment contract for more than 3 times. This is considered as a violation of Manpower Law No.13 Year 2003 on the temporary employment agreement article which can only extended 1 time, then can be renewed 1 time after 30 days break.
4. The Regulator or Government who regulates outsourcing policy require all parties to implement outsourcing practices based on the regulations. Warnings and sanctions should be given to banks who violates the regulations. Outsourcing service providers are demanding the government to revise the regulations, which can considerable flexibilities in the routine implementation. With more flexibilities in the arrangements, service provider can employ more workers. Unions expects fulfilment of employment rights for outsourcing works to be improved. Furthermore, bank as service user and outsourcing service provider must at all time comply with regulations, specifically on the employment rights implementation.

5. The policy of outsourcing has already constructed based on the needs of all stakeholders; workers, users, providers, and regulators. However, the implementation has not been conducted as required. The supervision on the routine implementations of outsourcing need to be thorough, detail and require specific methodology, which will be resulted in the high compliant cultures, specifically at the banking industry. This research proves that active supervision conducted by the bank as an outsourcing service user will effectively minimize potential regulation violations or mismanaged the outsourcing activities at the bank, including to assure the complete implementation of workers' employment rights.

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