

The Urgence of Regulation of *Outsourcing* Cross border in Indonesia. Comparison Study of The United States With Indonesia

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Abstract

Therefore, the State of Indonesia has not clearly regulated the rules for cross-border outsourcing. Law Number 13 of 2003 concerning Manpower serves as the legal umbrella for outsourcing, but in practice it does not provide adequate protection for workers. Then, the expansion of outsourcing work practices does not prove that the welfare of workers is getting better. Outsourcing is closely related to wages; they work with the aim of earning income for their living. In Government Regulation Number 35 of 2021 concerning Work Agreements for a certain time, outsourcing, working time, and rest periods and termination of employment are not clearly regulated regarding remuneration for outsourcing. Thus, an ideal rule is needed to regulate wages for outsourcing, such as the arrangement regarding wages in the United States which is regulated in The Fair Labor Standards Act of 1938 and the Service Contract act of 1965. This study aims to determine the United States regulates the wages of outsourcing workers. and find out the ideal arrangement regarding the remuneration of outsourcing workers in Indonesia. To answer the problems above, the method used is normative juridical by examining Indonesian positive law related to outsourcing.

Keywords

Outsourcing cross border, Employment Relations, Services Providers, United States.

Biography

Nadhea Tunga Devi is a student majoring in Business Law, Faculty of Cultural Studies, Bina Nusantara University, Indonesia. I was involved in several organizations during my first and second years at the university, and recently completed a 4-month internship at the International Police Headquarters of the Jakarta Police.

Iron Sarira earned his bachelor's degree in Economics from Sahid University, Jakarta. He then obtained his master's degree in Law from Tarumanagara University, Jakarta. He achieves his Doctorate Degree in Law from Parahyangan University, Bandung. In addition, he also completed his mediation and arbitration training, which makes him an expert in the field of Labor and Human Capital Law.

Abdul Rashid completed his undergraduate degree at the Sharia Faculty of UIN Imam Bonjol Padang majoring in Ahwal Syakhsiyah in 2002, graduated in 3.5 years with a cum laude predicate. He then completed his master and doctoral studies at the Faculty of Law, International Islamic University Malaysia (IIUM) in 2005 and 2013 with a concentration in sharia business law. During college, he was active in various organizations, among others, active in the Islamic Student Association (HMI), as General Chair of the Indonesian Student Association throughout Malaysia (PPIM) in 2006-2007, Founder/Chairman, Division of Utilization, Zakat Service Unit - National Amil Zakat Agency Republic of Indonesia (UPZ-BAZNAS) in Malaysia in 2007-2008, and founding coordinator/General Secretary, Association of Indonesian Sharia Scientists and Scholars (HISSI) Malaysia Branch in 2009-2011. Lecturer at the 2014 Tazkia Islamic Institute, and since 2015 has worked as a permanent lecturer (faculty member) at the Department of Business Law, Bina Nusantara University, Jakarta and teaches several subjects including: Islamic law; sharia business law; banking and finance law; legal research methods and legal aspects in economics. In 2018 the author was involved as a Legal Consultant in the preparation of the 2019-2024 Indonesian Sharia Economic Masterplan. The author is currently also a senior researcher at the Islamic Economic Forum for Indonesia Development (ISEFID).