

REGULATION BARRIERS TO THE TEA PICKER WELFARE REALIZATION (A CASE STUDY IN THE WEST JAVA, INDONESIA)

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ABSTRACT

Why do the lives of tea pickers in poverty and their rights tend to be systematically discriminated against in the relations of workers with the tea corporation? How does the construction of the labor law system regulate the rights and obligations of tea pickers? Is there a relationship between the labor law system and the poverty conditions of the lives of tea pickers? Here are some research questions that underline the background of this paper. From the results of empirical research and labor and human rights laws in Indonesia, it is known that the position of tea pickers are outside the qualifications of workers under the Indonesian labor law, so this has serious implications for the non-fulfillment of the rights of tea pickers such as health, wages minimum, rest time and a comfortable work environment. In addition, this paper also shows that the government as the regulator has not played a significant role in improving the quality of human rights of tea pickers, because it collides with the labor law itself, so that what can be done is only conducting social interventions that are charitable in the form of assistance for poor families. With such construction of labor law, as mostly the tea plantations are owned by state-owned companies, the treatment of the tea pickers are entirely dependent on the good faith of the company without having to see whether or not regulated in labor law, so the rights of tea pickers remain can be fulfilled well.

Keywords: corporations, tea pickers, human rights and industrial relations

INTRODUCTION

The tradition of drinking tea in Indonesian society and in all walks of life and a variety of affairs - from personal, banquets, leisure activities, religious and even political, is common found in everyday life. Tea producers deftly frame the social situation in a variety of tea drinks advertisements neatly and attractively. However, behind it all, not many people see the facets of life of skilled hands skillfully picking the tops of tea leaves to get the quality of tea that can quench the thirst of the audience. The tea pickers, men and women who are generally poorly educated and of course at very low pay too - far below the minimum wage. This condition is also exacerbated by the practice of gender discrimination in remuneration, where in the same work between male and female tea pickers. Generally, male tea picker get higher wages compared to female (Fa'izah, F., 2012; Purwaningsih, L.E., 2007).

The vulnerability faced by the pickers are multiplied by the absence of health insurance and benefits. Because the employment relationship system that is built between employer and workers is 'contractual'. In this piece work system, it clearly shows benefit for employer who do not need to spend a lot of money for collateral requirements or benefits for tea pickers. Such position has strong implications for the 'resignation' attitude of tea pickers to accept this fact, without the courage to be critical in questioning their rights - which are actually guaranteed by labor law (Arianti, N.N., 2010).

The above reality shows the vulnerability of the rights of tea pickers in the face of the plantation industry which has not experienced much improvement from regime to regime. The nationalization of the post-colonial tea plantation industry initially gained a special place in Soekarno's great political narrative, under the so called Marheine movement. This movement was effective enough to attract the sympathy of the workers and the like to support the Soekarno Party, The Indonesian National Party (PNI) vote at the time. But the welfare of the tea pickers did not receive much attention from the government. On the contrary, the government seems to favor the interests of the companies. The condition of tea pickers, who are generally poorly educated, are used by employers to implement arbitrary regulations, ranging from wages, employment relations, rights to health insurance and so on. This situation naturally places tea pickers at the lowest position in the plantation hierarchy (Sajida, T., 2013; Permana, 2014).

Previous research related to the welfare of tea pickers has been carried out by previous researchers. However, such research is generally focused on theoretically charged studies, and almost all of them have no practical content. Research conducted by Fa'izah (2012) for example, only focused on the historical aspects of tea pickers in the early decades of the Old Order Era (Orde Lama). The results of the Fa'izah study mapped the issue of gender segregation in the provision of wages to tea pickers who were not given much attention by the government. The general condition of the tea pickers after the nationalization of tea companies from the Netherlands to Indonesia, did not experience much shift.

Meanwhile, the only study that can be used to understand the current situation of tea pickers is research from Purwaningsih (2007). The results of Purwaningsih's research illustrate how the lives of the women tea pickers in the Old Order era. In general the women tea pickers did not have adequate education, at least up to elementary school level, most women tea-pickers at that time were illiterate or uneducated, which became a compelling reason for the employer to exploit them without clear rights as tea pickers are exacerbated by government policies that were actively building the country's economy after independence, so that employers get strong protection from the government, while tea pickers did not get much attention.

Furthermore, several other studies that are quite relevant to mention here for example, study conducted by the Agriculture Faculty of Bengkulu University (Arianti, 2010). Arianti's research highlights the shift in the profession of tea pickers from women's groups to other occupations. Meanwhile, a study conducted by Oxfam (2013) focused on the issue of wage issues in the tea company.

The above situation is very ironic considering the tea pickers as a vulnerable group, mainly to various forms of exploitative work relations (Permana, 2014; Safaria, Suhanda, & Riawati, 2003; Sajida, 2013). It does not stop there, tea pickers are faced with risks related to lower back health problems (Syuhada, Suwondo, & Setyaningsih, 2018).

This article will analyze how the conditions of the rights of tea pickers such as wages, health, and rest. Furthermore, it will be analyzed how the government policy in providing protection to the rights of tea pickers to rise their prosperity. To achieve this goal, this paper is organized as follows. After the second introduction will be discussed the description of the conditions of the rights of tea pickers. This section will describe the life of tea pickers, the burden of dependents in the family, income from being tea pickers, and the conditions of work experienced by them. After that will be explained about the rights obtained by the tea pickers from the company that employs them. This section will also be elaborated on the fulfillment of the rights of tea pickers as an important part of human rights. The last section will be discussed how government policies as regulators in the field of labor and industry, so it can be seen how it implications for the welfare of the tea pickers.

TEA PICKER LABOR CONDITIONS

Data was collected to support the analysis of the level of welfare of tea pickers in the te plantation by asking 106 questionnaires to r tea pickers in the Sukanagara plantation, Cijur, West Java. The Sukanagara Plantation, as one of the plantation companies owned by a State-Owned Enterprise, namely PT. Perkebunan Negara VIII of West Java. In the the Sukanagara tea plantation, Cianju Regency there are 23 tea pickers, consisting of 19 women and 3 men with a majority aged between 51-60 years, some of them aged between 41-50 years, and only 2 two people aged 26-40 years old. This data shows that in general the tea pickers are generally from among the elderly not from the young or teenagers. However, the average of their education level is at the elementary school level.

In a working relationship among tea pickers, all are treated equally without any special privileges for one of the workers, both of work seniority and age. Meanwhile, related to the place of residence, some of those living in the villages surrounding the tea plantation and some are living in the company-owned lodgings where tea pickers work, the numbers are almost equal.

As for the employment status of pickers, it is generally a monthly contract, however there are also contractual based on their daily work. Therefore, related to the income of tea pickers, each month varies from <Rp. 300,000.00 to Rp. 700,000.00 per month (equivalen with \$25). There are also other pickers who have erratic income every month. Because not all of them get a monthly wage, but there are also some tea pickers who get a daily wage based on the quantity of tea picking that they did. However there are also wages received based on the number of hours in picking tea.

Meanwhile, regarding the work time in general, workers are given a fixed schedule, and only a small proportion work time that is not fixed. The fixed time in question is, there are those who work from Monday to Saturday, but for those who work temporarily, generally they work on a daily basis which is paid based on the duration of working hours. However, the work schedule for tea pickers are classified into two groups. Some start at 5 early morning until 4 p.m. and some start at 7 a.m until 1 p.m. Apart from the set working hours, some companies employ seasonal and some work simply as "help" based on the project being carried out, or if only needed to help with temporary work in the company.

Seeing this kind of work situation, most of the tea pickers to fulfill their daily needs are fulfilled through the debt mechanism in the micro finance institution with a saving and loan system, although sometimes in the payment of the debt is a smooth and sometimes is difficult.

In addition, the availability of medical facilities has been felt by the majority of workers, while two others answered that medical facilities were not available. However, to get access to medical services, some of the tea pickers must travel on foot from their homes. Some of them use public transportation and some use vehicles provided by the company. In case of emergency, the company providing a limited health services, all costs are handled by the company. Meanwhile, related to health insurance while working to pick tea, tea picking workers generally do not get health insurance paid by the employer, and they also do not know whether they have insurance or not. However, the company will provide compensation to tea pickers when injured while working, although not all workers get the right to compensation.

Regarding bonuses or compensation, in general the tea pickers do not get it from the tea company. Only a small percentage get bonuses or compensation. Bonuses or compensation are paid during holidays, as well as for overtime pay when working.

PROTECTION AND FULFILLMENT OF THE TEA PICKERS RIGHTS

Indonesia has full responsibility in the implementation of human rights. This was marked by the ratification of two main human rights covenants, in 2005. The obligation to implement human rights such as to respect, protect and fulfill. This obligation has been stated in the 1966 International Convention on Civil and Political Rights (ICCPR) and International Convention on Economic, Social and Cultural Rights (ICESCR). These international obligations, though not all, have even been stated in the 1945 Constitution of the Republic of Indonesia. The ideas in the 1945 Constitution on Human Rights have been strengthened by, among others, Law Number 39 of 1999 concerning Human Rights (Human Rights Law) and Law Number 3 of 2003 concerning Labor (Manpower Law).

The implementation (respect, protection and fulfill) of human rights has different characteristics based on the nature of human rights themselves. Karl Vasak argues that there are three generations of human rights (Algan, 2004: 124-125): the first generation, namely regarding civil and political rights; the second generation, namely regarding economic, social and cultural rights; and third generation, involving collective or group rights, or the right to solidarity. The first generation of human rights is a negative right, meaning that the role of government is passive towards the exercise of that right, because the main actors of that right are individuals. The state or government will interfere when there is a violation of first generation human rights, such as a murder that violates the right to life. Meanwhile, the second generation of human rights are positive rights, meaning that the role of government is active in the exercise of these rights. The state or government is seen as a provider for the implementation of

second generation of human rights, such as the fulfillment of social security implemented through government programs or policies.

In the dimension of rights granted to workers or laborers, human rights do not only include economic and social rights, but also civil and political rights. In this study, tea pickers in Cianjur are included in the category of workers or laborers, because in Article 1 (3) of the Manpower Act, it is explained that workers or laborers are all people who work for wages or other forms of remuneration. Based on data obtained in the field, tea pickers in Cianjur are contract workers who have a work agreement with a certain period of time. In Article 59 (1) a to c, it is stated that the work agreement includes: work that is once completed or is temporary in nature; work that is expected to be completed in a maximum period of 3 years; and seasonal work.

Based on the field data obtained, the majority of tea pickers in Cianjur are seasonal workers, meaning that the nature of the job depends on the weather or certain conditions as indicated by 18 of the 22 respondents. In fact, there is one respondent who works non-permanent and one other respondent who only works if the salary is appropriate.

The exercise of workers 'or workers' rights is not only bounded by the government, but also by non-state actors, such as employers and trade unions. Article 1 (4) of the Manpower Law explains that the employer is an individual, employer, legal entity, or other bodies that employ workers by paying wages or compensation in other forms. Therefore, companies that need tea pickers in Cianjur are employers who by law have obligations to fulfill the rights of workers or laborers, in addition to having the right as an employer. The role of companies as employers and authorities in the work environment in the implementation of human rights is very important, because companies have an important role in creating a work environment that respects, protects and enforces the rights of workers and workers as part of civil and political rights, such as the right not to be tortured or discriminated in the work environment and as part of economic and social rights, such as supporting the ability of workers and laborers to have a decent standard of living. This is because a person's job greatly affects the quality of life, both in terms of civil and political rights, as well as economic, social, and cultural, because having a job is an effort to meet basic human needs, such as clothing, food, and shelter needs.

Discrimination and workplace violence not only violates civil rights, but also does not create a conducive environment for workers and laborers to meet their economic and social needs (ILO, July 1, 2019), it can even lead to physical and mental disturbance. The exploitation of workers and laborers is also a form of violation of human rights by exploiting the conditions of workers and laborers who need income, so that employers provide jobs with an inhuman working environment to save costs and increase production, such as the absence of work breaks or pay below minimum (Human Rights Watch, 2019: 1-2). The exploitation, which not only occurred in Indonesia (IOM, 2016: 35; Indonesian Supreme Court's Decision and Youngyut Nitiwongchaeron, 105 / Pid.Sus / 2015 / PN Tul, March 10, 2016: 8), but also in various other parts of the world (Human Rights Watch, June 15, 2016) not only adversely affects the implementation of workers 'and workers' civil rights, but also affects the fulfillment of their economic and social rights. Examples of violations of economic and social rights caused by exploitation of workers and laborers are violations of the rights of workers and laborers to have a decent wage and a decent work environment. Exploitation of workers and laborers does not heed the proportion between wage labor and workload, because it emphasizes heavy workloads for a long time, but wages are not comparable, because employers take advantage of the conditions of workers and laborers who need income, so workers and laborers will still accepting work, despite heavy workloads and hours. Employers who take advantage of the situation of workers and laborers also do not care to create a decent work environment to save costs and speed up the production process, so that there are no sanitation facilities or rest periods.

TEA PICKER RIGHTS IMPLEMENTATION

As workers and laborers, tea pickers in Cianjur have rights that must be respected, protected and upheld by both the government and employers as non-state parties. The basic rights of workers and laborers include:

- a. the right to get a decent job and work environment
- b. the right to get the same salary for the same job without discrimination
- c. the right to an adequate wage for himself and his family to maintain his dignity as a human being and if needed is supported by programs or policies
- d. the right to form trade unions and laborers to protect their interests
- e. the right to rest, including restrictions on working hours and paid leave

The exercise of workers 'and workers' rights will be based on field data obtained from a questionnaire against tea pickers in Cianjur and will be compared with workers 'and workers' rights. The minimum wage in Cianjur Regency is Rp. 2,336,000 (\$200) in 2019. Based on Article 13 (2) Government Regulation Number 78 of 2015 concerning of Wages, the stipulation of wages given daily is done by: (i) a month's salary divided by 25 if working six days a week and (ii) monthly salary divided by 21 if working five days a week. Therefore, the daily wage that must be received by workers and day laborers in Cianjur is Rp.93,440-Rp.111,238 (\$8-10).

Based on the data obtained, 18 respondents were paid per month, two respondents were paid daily, while two other respondents were paid directly (in cash) based on work results. Even though there were respondents who were paid per month, it turned out that the amount of wages obtained by respondents was based on work results or the weight of tea picked as shown by 19 respondents who stated that the amount of wages received was based on work results and the amount of wages of one other respondent was based on hours work. Based on Government Regulation Concerning of Wages, wage standards can indeed be based on two aspects, namely work time and work results. If grouped, then: there are respondents who are paid per month based on work results, there are respondents who are paid based on work results directly, there are respondents who are paid daily or according to work time.

Article 13 (1) and (2) Government Regulation Concerning of Wages states that if wages are given based on working time, then the daily wage benchmark is regional minimum wage (UMR) or in this case the UMR of Cianjur Regency as explained above along with the coverage of the daily wage received by daily workers. If it is recalculated, the daily wage will not be less than the minimum wage if the daily wage is accumulated for a month. Conversely, wages based on the unit of work does

not have clear benchmarks. Article 15 (1) and (2) Government Regulation Concerning of Wages, only states that wages based on the unit of work are determined by the parties and Article 16 of Government Regulation Concerning of Wages states that wage benchmarks are the average wages in the last three months received by workers or laborers. Therefore, if it uses a wage calculation based on work results, then the accumulation of wages can result in wages below the the Regional Minimum Wage which is regulated by Cianjur Government. This is evidenced by the total number of respondents who are paid based on the unit of work having an income of under one million rupiah per month or under the Regional Minimum Wage stipulated by the Cianjur Government (Rp.2.336,000 or \$200). Therefore, although based on Government Regulation Concerning of Wages the unit of work can be a reference in payment of wages, but the use of the reference results in Cianjur tea picker wages being below the Regional Minimum Wage set by the Regional Government of Cianjur.

Another negative effect of payment of wages based on the unit of work is that workers become burdened to pick tea with a certain weight to meet basic needs or to get more than normal wages which causes workers to include their children to work in the garden as reflected in the statement of six respondents who stated that their children also work on the same plantation. Furthermore, in general, 16 respondents stated that their children also worked, both on plantations and elsewhere. Nevertheless, 19 respondents stated that their children did not need to skip school to work.

The minimum wage, as stated in Article 41 (2) Government Regulation Concerning of Wages, may consist of wages without benefits and wages with allowances. However the company wage system, both those that use wages without benefits or wages with allowances, these wages must not be less than the minimum wage. Based on the data obtained, the wages obtained by tea pickers in Cianjur are indeed below the minimum wage, so by considering Article 41 (2) Government Regulation Concerning of Wages, at least the wages of tea pickers are the same as the minimum wage, or if they cannot be equalized, they should be accompanied by benefits.

Based on field data, 17 respondents stated that there was no other compensation apart from the wages received, while four other respondents stated that they received other compensation besides wages. Furthermore, when there were injuries at work, 11 respondents were not funded by the company and one respondent did not even know whether when he was injured, the company would reimburse medical expenses. A total of 13 respondents also do not have insurance for protection when work is provided by the employer. However, half of all respondents stated that wage conditions, work environment, and quality of life after work were better. This response reflects the progress in the livelihood of tea pickers which is also indicated by the fact that the respondents' parents and grandparents are also low-skilled laborers or blue-collar workers, such as tea pickers, factory workers, or farmers, so that respondents can compare progress quality of life in several generations of low-skilled labor. Also based on the field, 12 respondents have received government assistance, both monetary assistance such as Temporary Direct Community Assistance (BLSM), and services such as the creation of Health Care (BPJS), although not all of the 12 respondents received the same assistance from the government.

Relating to the participation of children who work, both in the same place with their parents or not. The participation of children to work is the impact of family economic pressures and difficulties, thus requiring children to take part in meeting the needs of life. Under Article 68 of the Manpower Act, employers are prohibited from employing children. Indeed, in the phenomenon of the participation of children to work in this study it is not the result of an employment relationship with the employer, but was invited by their parents, but based on Article 75 (1) of the Manpower Act, the government must make efforts to overcome the participation of children to work outside of employment relations.

In the explanation of the Article, it is stated that the handling of children who work outside of work relations is intended to eliminate or reduce children who work outside of work relations. These efforts must be planned, integrated and coordinated with relevant agencies. Children who work outside of employment relationships such as children who shine shoes or newspaper sellers. In this article, outside the employment relationship means not having a working relationship with any employer, including the phenomenon of the children of tea picking respondents in Cianjur, because the employment relationship only occurs between the respondent and the company, not with their child. Therefore, the government should be the main actor in overcoming the participation of children to work.

Article 10 (1) ICESCR states that full protection and support must be given to families who are the simplest social groups in society, because of the role of the family as an institution responsible for caring for and educating children (UNCRC, 1990: 7; Cohn and Guy S, 1997: 1). Considerations points c and d of Law Number 23 Year 2003 concerning Child Protection state that (Dillard, 2010: 499-500) (i) children are budding, potential, and the younger generation to succeed the ideals of struggle nation, has a strategic role and has special characteristics and characteristics that guarantee the continued existence of the nation and state in the future and (ii) that for each child to be able to assume these responsibilities, he needs to have the broadest opportunity to grow and develop as a person optimal, both physical, mental and social, and of noble character, needs to be done to protect and to realize the welfare of children by providing guarantees for the fulfillment of their rights and the existence of treatment without discrimination.

Article 48 of the Child Protection Act explicitly states that the government is obliged to provide basic education of at least 9 years for all children. Based on the data obtained, as many as 20 respondents only received education in primary schools and two other respondents did not even go to school. Similar conditions were also experienced by 19 parents of respondents who only had an elementary school education. To ensure that the respondent's children do not stop receiving education in primary school, the government must have a pro-active program to improve the availability and quality of education for all children to educate children who will be able to advance Indonesia.

There is even optimism among the 14 respondents who answered that they hoped their children could get a higher education, even up to college. However, seven respondents did not expect much in further education for their children, so only expected primary school education for their children. Upon this view, the government must change the paradigm of respondents in order to encourage their children to get higher education.

Article 11 of the Child Protection Law states that every child has the right to rest and take advantage of free time, associating with children of the same age, playing, recreation, and being creative in accordance with their interests, talents, and intelligence levels for self-development. Article 49 of the Child Protection Act states that the state, government, family and parents are obliged to provide the widest possible opportunity for children to obtain education. When linked to the rules

regarding the protection of children from participation in working in the Manpower Act and regulations in the Child Protection Act, then the child has the right to enjoy his growth and development with activities that are in accordance with his abilities and that support his growth and development as the nation's successors, so that he is also entitled to education and free from conditions that prevent it from education. Therefore, employing children or allowing children to work is a violation of children's rights and full support must be given to the family as a basic institution so that children receive adequate livelihood and education.

Violations of children's rights are ongoing, because with an income below the minimum wage, families do not have enough money to have savings or savings that can be used for future costs, both for family needs and for children's educational needs in the future, even though their families may still be able to meet their basic daily needs. Based on the data obtained, as many as 13 respondents have dependents and nine others do not have dependents. Whether they have dependents or not, the financial ability of the respondents is reflected by not participating in the 14 respondents in the payment of savings deposits and only two respondents who have deposits. Furthermore, from the total number of respondents, seven respondents had borrowed money. The data means that some respondents don't even have enough money to meet the needs of their families and other groups of respondents, both of whom who have dependents or not, survive from income to other income, because they don't have more money to save.

The inability to meet daily needs and / or for future needs is reflected in the concerns of seven respondents regarding their future, both regarding health and regarding education for their children. Article 9 of the ICESCR states that everyone has the right to social security or government assistance for the welfare of the community, including for the survival of the family. Article 13 (1) ICESCR states that education must be aimed at the development of human dignity, so that education is also part of the welfare of the community in order to give the nation's successors the opportunity to develop the nation and mankind. Article 4 (c) and (d) of the Manpower Law states that labor development aims to: (i) provide protection to workers in realizing welfare and (ii) improving the welfare of workers and their families. Therefore, guarantees for the family's future and children's education are not fulfilled in the phenomenon of tea pickers in Cianjur and the government and employers must provide more support to families through policies or programs to improve community welfare.

Article 86 (1) of the Manpower Law states that every worker or laborer has the right to obtain protection for: (i) employment opportunities and health; (ii) moral and morality; and (iii) treatment according to human dignity and values and religious values. So tea pickers in Cianjur as workers are entitled to protection from violence, both physical and mental, and the enforcement mechanism of that right. Based on field data, 18 respondents stated that there was no information about violence occurring in the workplace.

The absence of violence in the workplace does not necessarily release the company from the responsibility to uphold workers' or workers' rights. As many as 16 respondents stated that there was no enforcement mechanism against cases of violence in their workplace. Nevertheless, cases of violence that occur at the workplace can still be resolved through company security intermediaries or supervisors on plantations as data obtained from six respondents, even without clearer and more comprehensive enforcement mechanisms.

Based on Article 86 (1) of the Manpower Law also covers treatment in accordance with human dignity in the workplace. Nine respondents stated that their workplaces had sanitation facilities and eight other respondents stated that their workplaces did not have such facilities. Two respondents did not even know about the existence of sanitation facilities. Sanitation is not only the right for workers in the workplace, but also human rights that are intended for all individuals globally (Human Rights Watch, 19 April 2017), so that the fulfillment of workers' rights to a clean work environment has not been maximally fulfilled. The existence of sanitation is not the only obligation of employers to create a decent work environment. Based on Article 5 of the Government Regulation of the Republic of Indonesia Number 50 Year 2012 concerning the Implementation of Occupational Safety and Health Management Systems (PP SMK3), every company is required to implement a work safety and health management system. Article 3 of Law Number 1 of 1970 concerning Occupational Safety (Work Safety Act) explains the terms of work safety in securing, preventing, reducing impacts, controlling, and handling various business activities so that those that are vulnerable to accidents or disturb the health of workers. Article 9 of the Work Safety Act states that companies are required to examine the health of the body, mental condition and physical abilities of workers according to the nature of the work. The company is also obliged to check all workers to the doctor regularly. The company is also required to provide education or direction to workers regarding the nature and procedures for work to avoid work accidents.

Based on data obtained in the field, five respondents did not feel safe at work, ten respondents had felt uncomfortable at work, 13 respondents had been injured while working, nine respondents had long-term illnesses, six respondents had illnesses related to their work, and nine respondents had the disease, but were not related to work. If it is related to PP SMK3 and Work Safety Law, companies should provide guidance to tea pickers regarding the nature and work procedures to avoid injury when working which is still experienced by a group of respondents. The company must also implement an occupational safety and health system, not only in terms of hygiene, such as sanitation, but also all aspects concerning the survival of workers. Therefore, for respondents who suffer from long-term illness, whether related to work or not, companies must implement occupational safety and health management to prevent or reduce the impact of the disease which impacts on the survival of tea pickers, thereby disrupting their work or causing death. For workers who suffer from such diseases, the company must provide special treatment to deal with the impacts that might arise in the workplace.

This special treatment should also apply to certain age groups of workers. As obtained in the field, 14 respondents were not given special treatment, whereas 12 of them were in the age group between 51-60 years, and even two respondents were aged over 60 years. The percentage of respondents showed that more than half of all respondents aged over 50 years whose health condition tends to decrease and show symptoms of long-term disease. Therefore, respondents with certain age groups should also get special treatment. To maintain occupational health and safety, companies should hold regular health checks for tea pickers in Cianjur in order to know their health, both physical and mental, so that they can be identified as suitable for employment. This is not only beneficial for the company, but also the welfare of the workers themselves. Furthermore, the company is also obliged to create a safe and comfortable workplace to maintain the dignity of the tea pickers, so as not to interfere with physical and mental well-being and effectiveness while working.

The company's obligation to maintain occupational health and safety must also be reflected in the handling of injuries while working. Based on data obtained in the field, 10 respondents stated that the medical facility was less than 15 minutes from the workplace, while 9 respondents said that the distance of the medical facility was more than 15 minutes. Nine respondents said that they had to walk to reach a medical facility and five others used public transportation. From these data, it can be concluded that the affordability of medical facilities is still not optimal, both from the distance from the workplace and access to medical facilities. Companies should provide their own medical facilities that are more affordable, at least for first aid. If unable, the company is still obliged to provide guidance to workers so that they can provide first aid to coworkers in the event of a work accident, so as to reduce the impact of work accidents. Nevertheless, as many as 17 respondents said that there were emergency health services and were free.

Article 22 (1) of the ICCPR states that everyone has freedom of association, to form a union to defend their interests. Article 104 (1) of the Manpower Law states that every worker or laborer has the right to form and / or become a member of a union. Article 19 (1) of the ICCPR states that everyone has the right to express his opinion without intervention. In this expression of the right to freedom of opinion, workers can express their opinions through trade unions. Based on the data obtained, 15 respondents stated that they did not know of the existence of an organization that would help if there were violations of the right to pick tea. A total of 16 respondents stated that unions were not available to tea pickers or workers around their work environment and residence. Of all respondents, only five respondents were union members.

The formation of a tea picker union or membership of a tea picker in a trade union is indeed not an inherent obligation of the company, because it is part of its workers' freedom. Therefore, the company only sufficiently respects and protects these rights by not obstructing the exercise of these workers' rights. In the exercise of freedom of opinion and association, the state and employer are passive, because freedom of opinion and association are part of negative rights (civil and political rights), so that the implementation is left to the main actor, namely the individual, except in situations where the individual is unable exercising their rights (Alghan, 2004: 147). Therefore, if in a condition where the community (respondents) lack knowledge about the existence of the union, as happened with tea pickers in Cianjur, the union, government, and / or company must provide information about this freedom to support the fulfillment of tea pickers' rights. , because the tea picker does not have the knowledge or ability to fulfill his own rights, especially for his own interests in fulfilling his other rights, such as getting help when there is a dispute between the company and the tea picker or a violation of the tea picker's right by the company.

The role of trade unions or laborers is also crucial in the formation of collective labor contracts as stipulated in Article 116 (1) of the Manpower Act to accommodate workers and laborers so that they can be represented through unions to get an equivalent salary. Representation is very important, because based on the data obtained, 16 respondents do not have a written work agreement with the company, so they do not have a legal basis or protection. To foster tea pickers who have no knowledge of the function of the employment contract, the role of the union is urgently needed. Therefore, freedom of association and opinion should have the support or role of unions, governments, and companies given the condition of respondents who lack knowledge about these freedoms.

The welfare of tea pickers in Cianjur is a crucial aspect that must be paid attention to by the employer, because the function and purpose of work are not only to support the production activities of a business, but more importantly to improve the welfare of the community and maintain their dignity and dignity as human beings and maintain their survival. In the field research conducted on tea pickers in Cianjur, it can be concluded that the exercise of the rights of tea pickers has not been maximized, especially when viewed in terms of the role of the government and companies as those responsible for supporting the welfare of tea pickers in the perspective of economic and social rights. The role of government and companies is also needed to support the implementation of civil and political rights of tea pickers, because tea pickers are still unable to fulfill their civil and political rights independently.

GOVERNMENT POLICY TO IMPROVE TEA PICKERS WELFARE

In 2019, the government planned a revision of the Manpower Act, but this was not welcomed by the workers (Thea D.A., 2019). This is due to the fact that the proposed revision came mostly from employers who complained that the Manpower Act currently burdens employers regarding wages, severance pay and the flexibility of work relations. Workers 'groups are of the opinion that the current Manpower Act is still ignored by employers, especially on minimum wages, severance, and contractual employment relations, therefore, if the revision of the Manpower Act only considers employers' objections, the rights of workers and workers also will be increasingly threatened. The Indonesian People's Workers Conference (KPRI) also calls on the government to immediately revise the Wage PP, especially on the regulation of the calculation of minimum wage <<https://www.tribunnews.com/nasional/2019/04/29/kpri-dukung-jokowi-revisi-pp-782015-about-wages>>.

Based on the data analyzed previously, it can be concluded that the laws and regulations have not been able to optimally fulfill the rights of workers and laborers. Even policy packages, such as the Temporary Direct Assistance (BLSM), cannot yet be reached by all workers and laborers in need as indicated by field data.

Affordability of health insurance and insurance is also still very limited as indicated by field data obtained regarding the least participation of respondents in health insurance and insurance. Tea pickers and workers in general still feel that labor regulations still do not support the welfare and progress of workers, for example, KPRI's demands to focus Government Regulation Concerning of Wages on qualitative minimum wage calculations, not just quantitative (Thea D.A., 2019). Therefore, the government policy has not yet sided with the welfare of the workers, especially the tea pickers in Cianjur.

CONCLUSION

Based on the results of data analysis in this study, it can be concluded as follows. *First*, the rights of tea pickers in general cannot be fulfilled ideally by the company, both regarding payroll systems that are far from the regional minimum wage standard set by the local government, health insurance and a comfortable work environment. This makes the tea picker workers far from a prosperous life. Even with the dependents of the family they have, the tea pickers also involve their children to

participate in helping to find additional income. *Second*, the low fulfillment of the human rights of the tea pickers is inseparable from the labor law system which benefits the company a lot, and little space for participation is given to tea pickers to be directly involved in the preparation of appropriate regional minimum wage standards. Tea pickers and workers in general still feel that labor regulations still do not support the welfare and progress of the workers.

In this regard, as a solution, labour policies issued by the central and regional governments should be carried out in a participatory manner by involving representatives of tea pickers in the process of determining the rights of tea pickers as a whole, so that the welfare of the pickers the tea can increase.

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