



Increasing Socialization of Employment Administration Detention of Diplomas as Job Security: A Case Study of Detention of Diplomas as Job Security

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ABSTRACT

The goal of this study is to describe and analyze whether many employers or companies still withhold employee certificates as job security, as well as to describe and analyze what factors support and inhibit the retention of certificates as job security, particularly in Malang City. The research was carried out in several companies in the city of Malang by conducting a survey and providing questions related to the withholding of diplomas, whereas, in the city of Malang, there are still several companies that hold their employee's diplomas. The descriptive qualitative research method was utilized, which is a research method that uses qualitative data and is described descriptively. Data for this qualitative study was gathered through observation, interviews, and documentation. According to the study's findings, some businesses in the Malang City area still use certificates as collateral. As a result, it can be concluded that companies in the Malang City area still need to fully implement the implementation of East Java Regional Regulation No. 8 of 2016, and socialization of this regulation needs to be increased to reduce incidents of companies withholding certificates.

Keywords: Administration Detention, Diploma, Employment, Job Security, Job Satisfaction.

1. INTRODUCTION

Workforce development is an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia to ensure fundamental rights and protection for workers and workers/laborers while also creating conditions conducive to business development. Employment development has numerous elements and interconnections. This link is not just with the interests of the labor while working but also the interests of the employer, government, and society. As a result, a complete agreement is required, encompassing human resource development, higher productivity, and the competitiveness of the Indonesian workforce. The number of job seekers is greater than the number of job vacancies available, even though many companies have been established to support the country's economic development. This makes finding a job today even more difficult. With a large number of job seekers, companies feel needed.

Moreover, the company seems arbitrary in making regulations in work agreements for its workers. One example that often occurs is withholding workers' original diplomas as job security and even retaining certificates after the end of the employment relationship. Withholding certificates by this company often occurs when there has been an agreement between the two parties. This agreement between workers and employers is usually stated in a work agreement that binds workers and employers in a working relationship, both orally and in writing. So, the right to withhold a worker's diploma arises from a work agreement or agreement, not labor regulations. However, unfortunately, in conditions like this, the position of workers becomes weak and disadvantaged because workers' certificates are often withheld and not returned when the person concerned decides to stop working. Because of this, the worker loses his chance to get a better job, and he has to pay a penalty as ransom to get his diploma back if he resigns before the contract period ends.

In essence, the detention of diplomas is contrary to human rights, namely, the right to get a job and a decent income. Several companies have implemented a system of withholding workers' original diplomas for workers who apply for jobs at their company, either with a specified or unspecified time for returning the original certificates by the employer. Employers usually carry out this system of retaining original certificates because workers refrain from using their companies as stepping stones which results in employers losing workers, which has an impact on decreasing company performance. This is because workers are

an essential component in the company because of the position of workers as the cogs of the company. With workers, the company can operate in its business activities. On the other hand, the things done by employers related to the system of retaining workers' original certificates can be contrary to a person's right to work, which means that the employer obstructs the person when looking for a decent job.

2. LITERATURE REVIEW

2.1 Theory of Public Policy Evaluation

According to James P. Lester and Joseph Stewart, evaluation is a link in the public policy process that is intended to see the causes of a policy's failure or to determine whether public policies have been implemented to achieve the desired impact (James et al., in Budi Winarno 165:23). According to Bryant and White (in Samodra Wibawa, 1994:63), policy evaluation must be able to explain how near public policy and execution are to the goal. The availability of goals and criteria is the most significant factor in policy evaluation. Goals define the objectives of a policy, both in broad terms and in specific numbers. While the criteria ensure that goals are established before they can be met satisfactorily. According to William Dunn (1998: 608-609), evaluation has certain qualities that set it apart from other policy analysis methodologies. These distinctive features are classified into four categories: value focus, fact-value interdependence, present and past orientation, and value dualism.

2.2 Evaluation Function

Policy evaluation is critical in evaluating public policy. Because evaluation serves a purpose, a policy must be reviewed. In policy analysis, William Dunn (1998: 608-609) suggests that evaluation serves several vital functions, including providing valid and reliable information about evaluation and contributing to the clarification and criticism of the values that underpin the selection of goals and targets in public policy. In this scenario, evaluation reveals how far particular aims and targets have been reached in solving the problem. The evaluation also contributes to using other policy analysis tools, such as problem formulation and problem-solving recommendations. Evaluation can also help define new policy alternatives or changes by highlighting which policies need to be replaced or changed.

2.3 Public Policy Concept

In general, a policy or policy is something that is used to show a person's behavior. In this case, the person in question could be an official, an institution, or even a particular group. The goal is to solve a problem that they are facing. The scope of this public policy study is vast. Because this covers various sectors and fields. Examples include politics, economics, culture, society, law, etc. The four main elements in a public policy are inputs that influence public policy, objectives, tools, and impacts. These four main elements will be the basis. This element will determine what form of public policy will be implemented. Policy implementation can be divided into two, namely, the first interpretation, which explains the substance of a policy in an easy-to-understand language so that it can be implemented and accepted by the actors and policy objectives.

Furthermore, the second, namely organizing, is an effort to determine and rearrange resources (resources), units (units), and methods (methods) that lead to efforts to realize policies into results (outcomes) by the goals and objectives of the policy. Public policy aims to create order in society, protect people's rights, create peace and harmony in society, and ultimately realize people's welfare. The role of the government is one of the essential keys in many matters related to public policy, one of which is employment issues.

3. RESEARCH METHOD

3.1 Research Locations

The research was carried out in several companies in the city of Malang by conducting a survey and providing questions related to the withholding of diplomas, whereas, in the city of Malang, there are still several companies that hold their employee's diplomas.

3.2 Research Respondents

Determination of respondents in this study using a purposive sampling technique. In this case, the researcher selects respondents who can provide information that can be developed to obtain data. This study also selected respondents who had experienced incidents regarding certificate detention by companies, namely PT XX employers, PT XX workers, employees from Malang City companies, employers from Malang City, and the Malang Regional Coordinator II Malang Manpower and Transmigration Office. East Java Province as the officer who handles the problem of certificate detention.

3.3 Data Sources

This research uses qualitative methods. Data sources are gathered from various sources with inductive data analysis, essentially an analysis based on the data obtained, after which a specific association pattern or hypothesis is produced. This study's instruments included observation, interviews, and documentation via questionnaires, forms, and interviews, among other things. Respondents were people from research backgrounds who were utilized to provide information regarding the circumstances and conditions of the study setting.

3.4 Data Analysis Techniques

Data analysis is the systematic search for and compilation of data obtained from interviews, field notes, and documentation by categorizing data, describing it into units, synthesizing it, compiling it into patterns, deciding which are essential and which will be studied, and drawing conclusions that are easily understood by oneself and others. Researchers employ a Likert scale, a psychometric scale commonly used in questionnaires and the most commonly used in research. On the Likert scale, respondents were asked to fill out a questionnaire indicating their level of agreement with a series of questions. To carry out training, labor inspectors must create a work plan for employment development. They must always have a ready-to-use database. This data is the initial step in implementing development strategies.

4. RESULTS AND DISCUSSION

4.1 Research Results

One of the elements of the scope of employment is the development of labor norms, which is a series of activities carried out by labor inspectors to increase the ability and understanding of workers/laborers, employers, administrators, or members of labor institutions regarding labor laws and regulations (Article 1 of the Minister of Manpower Regulation No. 33 of 2016). Employment development is a coaching action that serves as a prevention effort by disseminating labor norms, technical counsel, and assistance (Article 9 paragraph (1) letter a Kepmenaker No. 33 of 2016). The Office of Manpower and Transmigration of East Java Province, which includes the Regional Coordinator of Malang, serves the public. Data for 2021 revealed that up to 40 enterprises in Malang City held employee certificates as collateral. The number of these businesses falls into the high-risk category of legal difficulties that violate the ethics of public employment rules. East Java Province's Office of Manpower and Transmigration is classified based on numerous indicators, including evidence of maladministration, violations of private business ethics, and no indications of maladministration and violations of ethics. Case-resolution efforts East Java Province's Office of Manpower and Transmigration has taken several procedures to identify reported incidents. East Java Province's Office of Manpower and Transmigration took the following steps: clarification, mediation, and suggestions.

The researcher explains the field findings based on the research focus on analyzing the company's certificate retention policy. The information gathered through observation and documentation provides an overview of worker protection regulations. The tort, the parts of the loss, and the monetary value of the loss can all be applied analogically. Thus, compensation for unlawful conduct is calculated based on the possibility of three elements: costs, actual losses, and expected earnings (interest). A particular quantity of money is used to determine the loss. In contrast to losses due to default, which only acknowledge material losses, losses due to unlawful activities, in addition to material losses, are recognized by jurisprudence and will also be valued in money. When it comes to retaining workers' certificates in labor agreements, it is clear that these certificates are utilized as collateral, which means that the certificates in the work agreement are collateral objects.

The act of withholding original diplomas needs more apparent regulation in related laws and regulations, so the government is expected to establish statutory regulations that regulate the detention of workers' original certificates to protect the rights of the workers. Without withholding a certificate, the company should be able to regulate the points in the agreed work contract, such as the clause on sanctions if an employee violates the contents of the work agreement and has legal solid force. Employees should be more careful in choosing a job when it is felt that the company requires them to withhold their original diploma because it can cause losses in the future, such as fines.

Following the focus of research as before, the author conducted research with evaluation indicators using the theory of Public Policy Evaluation presented by William N. Dunn (2002: 1). In essence, policy evaluation theory is an activity connected to evaluating a policy, which encompasses issues of substance, execution, and impact. At this point, appraisal is seen as a functional activity. This means that policy evaluation occurs throughout the policy implementation process rather than at the end. Policy assessment might encompass creating policy problems, presenting programs to solve policy problems, implementing policies, and measuring policy impact. The first evaluation indication is efficacy, which is defined as success in fulfilling the goals that have been established. According to the findings of the researcher's interviews with respondents, addressing cases of diploma detention has been effective, particularly in the city of Malang.

Based on the results of interviews with the Labor Inspector of East Java Province, the influence of the Regional Regulation of East Java Province Number 8 of 2016 concerning the Implementation of Employment, especially the regulations withholding diplomas enacted in East Java Province, is quite influential from the settlement of employment cases in Malang City. Based on the results of interviews with the Head of Sub-Division Korwil 2 Malang, the assessment of the success of handling employment cases is an indicator of the effectiveness of the performance of the Office of Manpower and Transmigration of East Java Province. Conclusions and recommendations are issued by the Office of Manpower and Transmigration of East Java Province Korwil 2 Malang if the reported case has gone through a process of clarification, investigation, and mediation. The recommendations issued are recommendations for improvements that are not binding. As is the case with the detention of a certificate in an employment relationship, the worker and the actor clarified the case. After that, the two parties were brought together for the mediation process. So that after the mediation process is carried out, a recommendation will be issued. The recommendations issued to both parties are beneficial.

In addition to conclusions and recommendations, the final product produced by the Office of Manpower and Transmigration of East Java Province Korwil 2 Malang is that the termination cases have been terminated of cases, in cases of withholding certificates related to this work n terminated. The public often reports many reports of the sarnies as workers to the Office of Manpower and Transmigration of East Java Province Korwil 2 Malang in the same case. Thus, in cases of withholding certificates carried out by companies, after the complainant clarifies and mediation is carried out, the complainant stops the case. This is because when mediation is carried out, the company returns the diploma to the worker. With that, the case is resolved without going through the mediation process until a recommendation is issued as an examination note.

The responses of several informants related to the effectiveness of public policy in the form of Regional Regulation of East Java Province Number 8 of 2016 concerning Employment Implementation as a basis for rules for retaining diplomas as a condition of employment obtained results if the labor inspectors of East Java Province Korwil 2 Malang who strongly agreed (10 people) and agreed (4 people) assess the effectiveness of public policies. Settlement of cases is carried out efficiently by utilizing the time and resources that are very supportive in measuring the organization's effectiveness. This is measured by the case completion time and workforce capacity. The time required is by the time specified in the SOP of the Office of Manpower and Transmigration of East Java Province, which is 30 days for each case settlement. During this time, it is used for a series of mechanisms for resolving cases of certificate detention in employment relations, from clarification and mediation to issuing recommendations for both parties, business actors, and the community. The efficiency of the Office of Manpower and Transmigration of East Java Province in resolving cases of detention of diplomas in work relations has been said to be effective because seen from the time and capacity of the owned workforce is appropriate.

The second evaluation indicator is that employment implementation has been socialized evenly to community groups, particularly employees and businesses. The meaning of rules in public policy is justice given and attained from the objective of releasing a public policy. Justice or fairness is the key to alignment. Responsiveness is the third evaluation indicator. The goal of responsiveness in public policy is to be responsive to the target population when implementing public policy. The response to policy execution quent impact, both po impactive and negative, might indicate policy success. Later, accurate responses or responses from employers and workers will be observed regarding the implementation of the policy in the case of certificate detention as well as suggestions from labor inspectors for further resolution of the problem by paying attention to this in order to protect workers better while at the same time increasing comfort at work.

The fourth evaluation indicator is satisfaction. Job satisfaction is a measure that shows the level of organization that can meet the needs of society. Fulfilling the community's needs by resolving cases of diploma detention is a form of satisfaction from the Office of Manpower and Transmigration of EThisa Prov measured job satisfaction action was measured from time satisfaction, service satisfaction, and costs perceived by the Office of Manpower and Transmigration of East Java Province and service users. Satisfaction with the completion time of diploma detention cases has been explained in the efficiency indicator that the Office of Manpower and Transmigration of East Java Province completed the case of diploma detention for approximately 14 days. So that within a short time, the community's request for the case to be completed has been achieved. Service satisfaction is measured by the attitude of employees who show a sense of comfort in working and resolving cases of detention of diplomas. In this way, it triggers the community to feel comfortable with the attitude of employees who have been given services to resolve cases of detention of diplomas. In addition to employee attitudes, perceived service satisfaction results from easy handling procedures and mechanisms. Based on the findings of this study, it is possible to conclude that the satisfaction felt by the Office of Manpower and Transmigration of East Java Province and the community in resolving cases of detention of diplomas in employment relations by the Office of Manpower and Transmigration of East Java Province is adequate, as evidenced by the time and services provided being appropriate with target requests. The fifth evaluation indicator is excellence. The Office of Manpower and Transmigration

of East Java Province, in resolving the case of detention of certificates, issued a win-win solution recommendation. With a win-win solution, no party is harmed. Thus, it can be more accepted by both sides of the community and business actors.

The author examines the supporting factors and inhibiting factors in implementing the Regional Regulation of East Java Province Number 8 of 2016 concerning Employment Implementation for employers who withhold workers' certificates, which the authors have found, namely for supporting factors in the form of settlement of certificate detention cases. There is no regulation on retaining a diploma that is generally accepted; in employment relations, there is no explicit regulation in the labor law. This has become an obstacle for the employment agency in resolving cases of certificate detention reported by the public. The inhibiting factor is that it can come from entrepreneurs who need to be made aware of the existence of this policy. Besides that, there are still obstacles to be faced, including the weak internal condition of the institution and limited authority.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

The researchers came to the following conclusions based on the study's findings. First, certain employers or organizations still withhold employee certificates as job security, particularly in Malang City. Second, the East Java Province's Office of Manpower and Transmigration has effectively addressed issues of withholding original certificates in work interactions. According to Gibson (1996: 34), the five markers of organizational performance are production, efficiency, satisfaction, excellence, and development. This effectiveness may be recognized because the East Java Province's Office of Manpower and Transmigration always bases its decisions on evidence. Workers' protection and social security, where this sub-indicator examines the execution of the law's policies. This indicator shows that the agency does not play a part in preparation and formulation; the agency's function is only seen when there are problems in the company.

5.2 Suggestions

The advice given by researchers is that from the government, in this case, those who have the direct task of coaching and supervision can carry out socialization and coaching to companies regarding the prohibition of holding diplomas. From the research results, the authors provide suggestions that are expected to be input for all parties in issuing recommendations in cases of detention of diplomas, choosing to resolve them by issuing win-win solution recommendations. For the workforce, they must understand further why this is enforced in a company by ensuring that the provisions for retaining a diploma are in the work agreement, reading the points of the work agreement carefully if you find a provision that you must hold a diploma when applying for a job, it is crucial to know the reasons, find out how long the certificate has been held, find out information about the company, and ask for the handover ceremony for the certificate.

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