
ANALYSIS OF PROFESSIONALISM AND THE RIGHTS OF FILM WORKERS IN THE CERTIFICATION PROGRAM ACCORDING TO LAW NUMBER 33 OF 2009 CONCERNING FILM

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ABSTRACT

Introduction: This research aims to invite film workers to take certification rights in government programs in regulating the Indonesian National Work Competency Standards (SKKNI) program and also voice the rights of film workers based on Law Number 13 of 2003 and also Law Number 33 of 2009, with this competency standard, the competitive value of film workers will increase. Moreover, until now, we have experienced that there has yet to be full awareness and massive communication from film workers and business actors. **Method:** The type of research used is normative-empirical legal research with sociological research methods using secondary data research and interviews. The data analysis used is descriptive qualitative, which contains regular, logical, and effective sentences in the research. **Result:** So far, the contents of work contracts are often considered to be detrimental to film workers because they do not guarantee normative rights. The government also still places the interests of film workers at the bottom of the list of its work priorities. This is evident in the programs implemented by the three ministries, which tend to answer film entrepreneurs' needs rather than protect workers' interests. **Conclusion:** The implementation of Law Number 13 of 2003, which regulates employment in general, has yet to be carried out as it should, including for film workers, which is also contained in Law Number 33 of 2009.

Keywords: Rights Of Film Workers, SKKNI, Film, Labor Law, Freelancers, Employment Contracts.

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INTRODUCTION

The art industry is growing in Indonesia, especially in the film industry. The government even held a certification program for film workers, which was called the "National Work Competency Standards" abbreviated as SKKNI, as contained in Law number 13 of 2003 concerning employment (State Gazette of the Republic of Indonesia of 2003 No. 39 (Supplement to the State Gazette of the Republic of Indonesia Number 4279) (Indonesia, 2019).

The program created by the government should be a breath of fresh air for film industry players in Indonesia, both film workers and film industry entrepreneurs, to take their rights (Khotimah, 2022). The Certification Program itself covers 15 professions along with their descriptions in the film industry, and this is believed to be one of the ways to revive the film industry in Indonesia to automatically guarantee the rights of film workers, which we know are mostly freelance workers who also have to fight for their rights. his (Jamaludin et al., 2022) .

Protection for arts workers will provide fair benefits, and economically, many multiplier effects will arise and strengthen our growth as a whole. With regulations, arts workers in the film get help overcoming problems and a form of protection for film people (Baskoro, 2021). In the Creative Economy Law, if (Pahlevi et al., 2018) artists want to be protected, they must become another party with the definitions in the relevant regulations, which may only partially have characteristics in the form and method of work. In formal work relationships, arts workers must be protected from general labor regulations (Sastrohadiwiryono & Syuhada, 2021). Meanwhile, informal arts workers are excluded from the protection of the Labor Law. However, women workers face more challenges than their male counterparts, such as gender-based violence and discrimination.

In a patriarchal work system, with inadequate legal protection and an illusion of flexibility in artistic and creative work, Workers in the creative industry sector are expected to have flexibility in space and time to work anywhere and anytime. However, they have to face long working hours and unclear boundaries between work and rest time because there is no specific scope in government policies regarding workers obtaining their rights. The Act (UU) for the Promotion of Culture stipulates artists as "Cultural Human Resources" but is not specific in regulating the protection and rights of their work.

So how do you ensure that the regulation of the law on the workforce runs smoothly according to the program launched by the government for film workers? They work in the moving and immovable image industry, not just those seen in the field at the time of the shooting. However, there are still many people who work before or after production (Hidayat, 2020). Film workers tend to be ignored, and the government still pays little attention to protecting them. The government took no concrete steps, and Law 33 of 2009 had to be revised because it was deemed not to protect film workers and was also considered to have had no direct impact on the growth of the national film industry from 2009 to mid-2017.

The survey results were 401 respondents and 22 participants collected through the Group Discussion Forum (FGD) who have a strategic position in the running of production, namely, director, assistant director, art director-production designer, and producer.

From the survey results, there are three main problems faced by workers

1. Experiencing prolonged working hours, 16-20 hours per day
2. Violations of normative rights, such as late payment of wages according to the agreed time or even not being paid at all
3. Workers experience exploitative conditions in flexible economic conditions. (Flexploitation) in the absence of social security and health insurance, they have to bear their expenses for their work.

With the existing problems, forums engaged in film workers, such as the Film and Television Employees Forum (KFT), support the SKKNI program in the film sector, which was appointed by the government, with the hope of advancing the system of the rights of film workers so that there are no obstacles. In production, in the field of human rights for every worker, they are of higher quality so that equal rights and obligations are created and follow the agreed work contract agreements.

There needs to be awareness among film workers about the importance of certification because certification will increase competence and obtain the rights film workers have always wanted. Moreover, due to the lack of passive socialization between film workers and film business

actors, many actors within the film industry need help to understand the film certification program, and many film workers still need to receive their rights at work. These are two things that must be improved in the film industry system in Indonesia.

METHODS

The type of research used by the author is normative-empirical legal research using sociological research methods using secondary data research and interviews (Muhammad Syahrur, 2022). The data analysis used by the author is a qualitative descriptive one that contains regular, logical, and effective sentences in analyzing how it functions Law Number 13 of 2003 and how professionalism certification from the SKKNI program benefits film workers.

RESULTS AND DISCUSSION

As explained in Law Number 13 of 2013 and Law No. 33 of 2009, where regulations have been regulated, several obstacles have continued until now.

1. Employment Relations (Employment Agreement)

What is the main basis of the working relationship between the company and the employee besides the Employment Agreement? This work agreement contains the rights and obligations of each party. Film workers also often experience problems with employment contracts. The contents of work contracts have been judged to be detrimental to film workers because they have not guaranteed their normative rights, such as protection of wages, insurance and overtime compensation. BPI) was also asked to protect film workers actively.

The government still places the interests of film workers at the last place in its work priorities. This is evident in the programs implemented by the three ministries, which tend to answer the needs of film entrepreneurs rather than protect the interests of workers.

Various related parties can take several steps, starting from the government, film workers, professional film associations, and educational institutions. In Indonesia, we can take the notion of work agreements, among others, from two sources. The first source is the UUD and the second is from the Civil Code (Burgerlijk Wetboek/ BW) (Hartkamp, 2020). The following is the definition contained in the two foundations of labor law:

Law No. 13 of 2003 Article 1 number 14

"A work agreement is an agreement between a worker/laborer and an entrepreneur or employer which contains the terms of work, rights and obligations of the parties."

Civil Code Article 1601a

"A work agreement is an agreement in which the 1st (one) party/worker or worker binds himself to be under the order of another party, the employer, for a certain time to do the job and receive wages."

In the Labor Law, we will know that there are three elements of an employment relationship contained in a work agreement. These three are elements of work, elements of wages, and elements of orders. Article 1 point 15 of the Manpower Law states as follows :

"Work relations are relations between employers and workers/laborers based on work agreements, which have elements of work, wages, and orders." Protection of Workers' Rights"

Working Time and Rest Time

However, if we examine the meaning of work agreements in the Civil Code, there is one other element of work relations, namely time. The time element marks the length of the work agreement period valid for both parties, namely:

40 hours per week

1. 7 hours per day for a 6:1 work pattern
2. 8 hours per day for a 5:2 work pattern

Problems faced by film workers.

1. Experiencing prolonged work (overwork). Around 54.11 percent of respondents said they worked 16-20 hours/per day.
2. Employment contracts are often problematic and detrimental to workers because of the range of experiencing normative rights violations, such as wages not being paid on time, not according to the provisions, to not being paid at all.
3. There is the right to leave/rest (rest between working hours, weekly rest, annual rest, and breaks for important reasons (stipulated by law/agreed).
4. Working hours are limited to a maximum of 14 hours/per day. This time consists of 8 hours of work, 4 hours of overtime, and 2 hours of rest.
5. Working hours are limited to a maximum of 14 hours/per day. This time consists of 8 hours of work, 4 hours of overtime, and 2 hours of rest.
6. Propose a break of 10 hours between the end of shooting time and the start of shooting the next day.
7. There needs to be a collective labor agreement (PKB) between the union and the association of film entrepreneurs.
8. The Ministry of Manpower needs to issue regulations on working hours for the film sector and facilitate the creation of multi-enterprise collective bargaining agreements for the film sector.
9. Kemenristekdikti, Kemenparekraf, and BPI were asked to socialize on the importance of limiting film workers' working time.

2. Insurance Guarantee and Wages Timeliness Guarantee

Protection for arts workers will provide fair benefits, and economically, there will be a lot of effects that will arise and strengthen our growth as a whole; with regulations, arts workers in films will get help overcoming problems and a form of protection for film people. Protecting arts workers also encourages arts industry, the Indonesian film industry to grow and develop better (Sari et al., 2020). Forms of protection for filmmakers, for example, are related to issues relating to working time, rest time (WWKI) for film workers, regulation of occupational safety and health for film workers, regulation of social security for film workers and regulation of child labor in the film sector. Film workers also often experience problems with work contracts. So far, the contents of work contracts have often been seen as detrimental to film workers because they have not

guaranteed their normative rights, such as protection of wages, insurance and compensation for overtime. Wages and Welfare Facilities

For the energy, time, and expertise deployed for that work, workers are entitled to wages. The definition of wages based on Article 1 point 30 in the Labor Law is:

"Workers'/laborers' rights that are received and expressed in the form of money as remuneration from the employer or employer to workers/laborers which are determined and paid according to a work agreement, agreement, or statutory regulations, including allowances for workers/laborers and their families for a job and/or services that have been or will be performed."

- a. There is no standard wage in the film sector, making it difficult to assess eligibility. Without a standard for fair wages, conflicts between workers often occur, such as competition over the payment of wages to get a job.
- b. To normalize unhealthy working conditions, so far, there have been various responses that corner bad working conditions, and that is a sacrifice that must be accepted by workers as a consequence of the wages received.
- c. The government is considered very passive in protecting film workers. No firm steps have been taken since 2016, even though 1/3 (one-third) of creative economy workers experience excessive work.

3. What is the Function of Professionalization Certification for Film Workers?

According to Gunawan Pagaru, a chairman of the Film and Television Employees (KFT) as well as the chairman of the Indonesian Film Agency (BPI). The professional or competency feasibility test includes three things.

1. Skills (skills)
2. Attitude (attitude)
3. Knowledge (knowledge)

The function of certification itself, apart from increasing one's professionalism, can also increase income and guarantee the rights of film workers who have not been considered important so far and film business actors in the industry (Luik & Aritonang, 2021). And what is certain is that the State recognizes their capabilities, and employment opportunities are more open because it has become a requirement for several film industry entrepreneurs; it is very clear that anyone who wants to be involved in an audio-visual production should already have certification. (Pasaribu, n.d.) .

Film worker certification is very influential in this era of globalization for film industry entrepreneurs because it is certain that film workers who have taken the due diligence test will have a more appropriate competitive work value. What is the relationship between the Certification program and Labor Law No. 13 of 2003 and Law No. 33 of 2009? Contents of Law No. 13 of 2013 1 Paragraph 9 and 10 which reads:

- 1) Job training is all activities that provide, obtain, improve, and develop work competence, productivity, discipline, attitude, and work ethic at a certain skill and expertise level in accordance with the level and qualifications of the position or job (Mudjiarto & Visa, 2020) .

- 2) Work competence is the ability to work for each individual, which includes aspects of knowledge, skills, and work attitudes that are in accordance with established standards (Rosmini & Tanjung, 2019).

The contents of Law Number 33 of 2009 article 47 reads:

- 1) Every filmmaker has the right to be creative, innovate, and work in the field of film
- 2) Obtain occupational health and safety guarantees
- 3) Get social security
- 4) Get legal protection
- 5) Become an equal partner with film business actors
- 6) Establish an organization that has a code of ethics
- 7) Get insurance for risky film activities
- 8) Receive income in accordance with the competence
- 9) Receive honorarium and/or royalties in accordance with the agreement

The contents of Law Number 33 of 2009 article 48 reads that every filmmaker is obliged (Mufthi & Supianto, 2022) :

- 1) Meet competency standards in terms of film
- 2) Carry out work professionally
- 3) Implement work agreements made in writing
- 4) Uphold the values of religion, ethics, morals, decency, and national culture

CONCLUSION

The implementation of Law Number 13 of 2003, which regulates employment in general, has not been carried out as it should, including for the film workers themselves, which is also contained in Law Number 33 of 2009; there are still many film workers who do not even get the right to according to the law. The competency test has not been fully carried out by film workers and also film business actors. It is clear what is written in the labor and film laws; however, according to Mr. Gunawan Pagaru, there are many obstacles in the rules; when the author conducted an interview, the certification program had been carried out, but it has not been implemented by all film workers, and has not been treated as a whole by film industry entrepreneurs," we need technical guidelines (juniors) that are in the middle between film workers and film business actors" he said. And the Juknis itself must be appointed by the Minister of Education and Culture, which is still being fought for. According to Indrayanto Kurniawan, a film director, certification is very important for workers, but information about certification itself is only thirty percent implemented, and assistance is needed here to form active communication from film workers, film business actors and the government. If workers want to get better rights, then certification can be one of the first steps, and it is also very beneficial for business actors in order to achieve appropriate rights and obligations for both parties in making a work agreement.

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