Exploitation of Outsourcing Labor (Case Study of Labor in Industrial Forest Plantation, Riau Province, Indonesia)
Efentinus Ndruru, Rizabuana Ismail, Zulkifli
Master of Sociology Study Program, University of North Sumatra, Jl. Dr. T. Mansur No. 9, Padang Bulan, Medan, Sumatera Utara, Indonesia

Abstract: Criticism Republic of Indonesia Law Number 13 of 2003 concerning Manpower is often the spotlight of labor activists. The “outsourcing” employment contract system for plantation workers is seen as a practice of fragmentation, degradative, discriminatory and exploitative effects on workers. Researchers on Nias migrant workers in Pelalawan Riau HTI plantations are interpretations of the meaning of the assumption of labor exploitation with a qualitative method approach. Results of research on Nias migrant workers in HTI found that the application of the outsourcing system is one form of labor exploitation. The level of education and openness to initial information when in the recruitment process does not work properly. Workers are “locked up” by agents through power structures that influence each other in dominant and subordinate power. Model debt and payroll system it does not bring prosperity, instead, workers are trapped in a cycle of poverty and exploitative. The head of the group (kepala rombongan) (KR) as a “wild agent” and the contractor of the company providing labor actually became an exploitative agent. The dream of workers getting social security, THR, and welfare is gone when they see the situation they are treated like a slave. Finally, Nias migrant workers can only come out if they struggle through resistance and are assisted by “hands” of observers engaged in the struggle for labor advocacy.

Keywords: Nias migrant, outsourcing, exploitation, and Occupational Safety and Health (OHS).

INTRODUCTION
Labor issues in Indonesia are a social problem that continues to attract public attention. Regulations on legislative regulations ranging from the old order, the new order and the reforms are still far from the expectations of the level of welfare of the workers. The Republic of Indonesia Law Number 13, Year 2013 about Manpower, it was considered “legalizing outsourcing” in placing workers, even bringing out multiple interpretations of outsourcing which should apply to workers who are not directly in contact with production, such as security and dryness. However, most companies actually place outsourcing workers in the production section, such as plantations and nurseries, which come into contact with production. This is a “legal” for corporate conduct labor exploitation that affects the welfare, Occupational Safety, and Health (OHS).

According to Silaban [1], currently, 60 percent of global products are produced by global supply chains of multinational corporations. The company chose to use subcontractors with contract workers to continue to reduce wage costs and production costs. This tactic is carried out to minimize various legal barriers by transferring to the responsibilities of other companies. Most companies only pay attention to profits, without thinking about the welfare of the workers. Tjandraningsih research results [2] affirms that the outsourcing system is no longer improving welfare, instead of exploiting workers. He analyzed that the practice in the contract labor and outsourcing has the effect of fragmentation, degradation, discrimination, and exploitation of workers. The practice of permanent employment and contracts has created a structure of fragmentation or grouping of workers based on the status of employment relations at the factory level. Discrimination practices against workers occur in age and marital status, wages and the right to organize. The practice of exploitation is due to obligations, working hours, and in the same place as wage laborers.

Concerns about the fate of the workers in the various studies above show that the structure of power in relation to agents (actors, actors) is a study of ongoing social practices. According to Giddens [3] “The structure only exists in and through the activities of human agents”. Giddens sees the structure as a medium as well as the result of actions that are rearranged by the structure. Agents or perpetrators are concrete people in continuous flow between actions and events. So it is increasingly clear that structures and
agents play an important role in the labor system in Indonesia, certainly not apart from the applicable labor laws [4].

The employment structure of migrant workers has been locked into a hereditary atmosphere of poverty for years. Correspondingly, laborers only leave prison imprisonment through a process of fundamental structural change. Then not too much Jean Baudrillard in his philosophical reflection said the Death of the Labor. This means the end of the function and power of workers in the era of global capitalism. Like the breakup of signifiers in language, the workers-capitalism relationship also breaks up in the sense that the power and influence of the worker have been lost [5]. The condition of the social structure of migrant workers is like this, is it not possible for structures and agents to reproduce labor exploitation.

RESEARCH METHODS

This study uses qualitative methods with the case study paradigm. The case study is one observational study to determine the subject matter of exploitation and resistance practices Nias migrant workers in the life of outsourced workers in Plantation and Nursery Industrial Forest Plantation (HTI), Pelalawan Riau Province, Indonesia. The focus of the research is by emphasizing the analysis of the top structure of agents in social practice. The structure is reflected in the work dynamics system consisting of companies, contractors, and group heads (KR), outsourcing workers both in the plantation and nursery in the agent relationship with Nias migrant workers through in-depth interviews.

In determining the informant, it is a separate matter for researchers, so it is difficult to do rapport with workers due to relatively busy working hours. Not to mention the closed nature of the company, contractors and group heads as actors in the labor structure. Likewise the approach to the workers’ subjects in the planting section and living in a moving camp in the form of blue tents that can be moved at any time following the transfer of work locations. Of course, you should be able to anticipate the situation to reduce the possibility of bias data with the right informant determination technique [6].

WORK IN THE THEORY OF STRUCTURATION

The exploitation and resistance of Nias migrant workers in the power relations between structure and agents is a comprehensive study to analyze workers. The basic idea that exploitation exists because there are powerful subjects and objects that are controlled (employers between workers). In structuration theory, the concept of power is not a symptom associated with a structure or system, but a capacity attached to the perpetrator. Therefore, power always involves transformative capacity [3]. The general logic is that there is no structure without actors, nor is there no structure without domination and power relations that take place between the superordinate (employer) and subordinate (labor), namely the company, the contractor, and the head of the group against the workers.

Giddens [7] argues that the structure as "rules and resources", namely rules or resources, and has a duality relationship with the agency and gave birth to various social practices as well as social action. For Giddens the structure refers to the rules and means or resources that have the structural equipment to enable the binding of space and time to reproduce social practices in the social system of community life [4].

Giddens asserted that "structures only exist in and through the activities of human agents". Agents or perpetrators are concrete people in continuous flow between actions and events. The structure is "rules (rules) and resources (resources) that are formed from and forming looping social practices The social system, "reproducing social practices, or reproducing relationships between actors with collectivities that are organized as organized social pre-learning” [8].

Giddens shows how people can become active agents and know a lot and they can be built by and reproduce social structures, such as laborers and employers. The existence of duality, namely the structure and actors in the process that places social structure is the outcome (outcome) and at the same time as a medium of social practice, so that the principle of duality is what builds the theory of structuration. D is the nature of seeing agency and structure. So, they are inseparable from one another: the agency is characterized in structure, and structure is involved in the agency [9].

LABOR OUTSOURCING IN SOCIAL PRACTISES

Labor Recruitment Pattern

The pattern of recruitment of Nias migrant workers applied by employment agencies on HTI plantations still uses the colonial pattern. Workers are recruited by the head of the group with the lure of large wages. Even the chiefs of the group or the contractor's directors searched directly in their hometown, but often they used the informal networks they had during the Christmas and New Year holidays [10]. There are also agents who come to plantations that happen to be closed or no longer receive labor, for example, workers from oil palm plantations Oil palm plantation PT Torganda which closed temporarily at the end of 2015 to work in HTI. That is, agents are people who have the power and power of patronage.

Nias migrant workers bring all family members and live and live in camps and barracks

Available online:  http://scholarsmepub.com/sjhss/
provided by the company. Whereas the camp area is not
worthy of being a place for children and toddlers to live.
The workers bring habits in Nias and are adapted to the
conditions faced in the work environment. They live the
total life cycle like living in a village or village
neighborhood. They carry out the stages of marriage,
childbirth, and even death at the work site.

The kinship system built by workers from Nias
is more visible in one group or group that generally has
a kinship relationship over blood relations or through
marriage. The presence of relatives from the men and
women in one tent or willing to work in a customary
manner is beneficial for workers. The existence of
kinship relations also facilitates the group head (KR)
to regulate and distribute workers to workers. Nias people
generally trust their relatives more than others so that
they are more comfortable working with their own families.

This form of recruitment is client patron
between the head of the group and workers. The head of
the group (KR) makes it easy to control labor from all
forms of resistance to the contractor, such as running
away. For the head of the group, it was very unlikely
that the workforce would run away from the camp
because they had family ties and were easily searchable
for traces of the existence of the worker. According to
Lukas Laia, "we cannot escape because we are still one
family, except for others". Workers also get protection
from primordial ties between workers and KR.

The cost of demolishing Nias migrant workers
from their place of origin to the plantation is borne by
the employment agency in the form of debt. Not even
reluctant labor agents to pay off the labor debts from the
previous workplace. For example, outsourced laborers,
named Sabar Laia and other laborers, admitted they
owed Outsourcing company PT. Albina around 40
million to pay off debts while working on oil palm
plantations PT. Torganda. That is, workers still not
working already owed first to the head of the group or
contractor. These steps are used by labor agents to
"bind" indirectly to labor.

The recruitment pattern carried out by the
contractor or head of the group towards outsourced
workers is a labor agent strategy through structures in
social practice. The pattern of corporate exploitation of
casual worker (buruh harian lepas) and outsourced
workers through recruitment forms and patterns. In the
recruitment process, workers, the plantation does not
experience problems because of the abundance of
skilled and cheap labor. The profits obtained by the
company from such patterns are efforts to avoid social
responsibility such as labor social security and
protection of workers if they get health problems and

Work Relationship with the Wage System

The enactment of Law Number 13 of 2003
Article 58-66 concerning outsourcing allows companies
to use other parties to carry out their activities, so the
company's policy regarding employment has changed.
All types of work including the provision of labor are
handed over to labor supplier contractors. Workers who
were originally direct laborers of HTI plantations were
cut off from their relationships and handed over to
contractors. From that time on the plantation plantations
began to emerge contractor as a supplier of labor. Even
the HTI companies themselves are encouraging the
emergence of these contractors in order to meet the
needs of the workforce.

All aspects relating to production starting from
the supply of labor, social security, working equipment,
and tools d jealosy protection (PPE) must be provided
by the contractor to get a job, the contractor must
submit an "amphibious" worker first, the company. The
more workers they have, the greater the profits that the
contractor can get. This means that it also generates
greater profits for contractors. Contractors through the
extension of their hands do various ways and strategies
to get as many workers as possible. The first people
recruited were the nuclear family, sister-in-law and
close friends. The recruitment of this power is then
appointed by the contractor as the head of the group
(KR) in charge of the workers who have been collected.
As a reward, KR gets a contractor fee of 10% of the
work of its members.

Workers are often a source of exploitation for
contractors. "Eating-eating" among fellow workers from
Nias is also high. For example, according to the staff of
the HTI company, the price given to work on 1 ha of
land with a spacing of 2 x 3 meters from the company
to the contractor is Rp. 550.000 by the contractor gave
to the head of the group (kepala rombongan) of the Rp.
400.000 and KR to the highest worker are Rp.
350.000/haertare there is even a KR that only gives a
price of Rp. 295.000/haecet.

The implementation of the outsourcing system
causes the lives of workers to decline drastically. Those
who initially get a monthly salary regularly because of
income depends on whether or not the work they do.
Workers' rights that were previously received directly
by workers from companies such as highway
allowances, incentives, and bonuses, after being
handled by contractors many of their rights were not
given but were taken by the contractor.

With the outsourcing system the workers also
lose their career levels, they will forever become
laborers and will not get promotion promotions. This
means they also do not have the opportunity to get a
salary increase which is usually considered based on
their working period and the work performance they
achieve. The same thing also happens to casual workers (BHL), before applying outsourcing the opinion of BHL every day is very rarely referring to daily standard wages. But when they are handed over to contractors and work in bulk, the wages that are not earned every day are unclear.

Debt: Bonds and Profits

Debt is an inseparable phenomenon in the lives of workers from Nias. Several cases revealed that Nias people already had debts from the beginning of their departure from Nias until they arrived at the work site. The debt is for the cost of travel, purchase of safety equipment, registration of social security and so on which is bailed in advance by the KR or contractor and paid by directly deducting workers' wages. Because when starting working without cash, the daily necessities of life such as basic necessities, cigarettes and so on are obtained by first debiting to KR, which is paid later in time. Thus the debt of workers increases. One KR derived from Nias said the 2-3 first months workers have not benefited because it is used to pay the initial purposes the KR (kepala rombongan).

Nias workers, especially those who bring families cannot pay off debts because there are other needs such as borrowing money to be sent to the village, marriage fees and other consumptive needs such as buying credit and so on. Actually, the Nias workers have been able to pay off the initial debt for departure and so on that has caused them to remain indebted to KR. Interaction takes place through the activities of agents, while the structure has a "real existence" in the form of rules, as well as resources implemented in interaction, which means the interaction of these structures in each process is always developed [12]. Comparison of money lending by agents (KR) through debt structures is an act of social interaction which has implications for the exploitation of labor force.

Debt is one of the tools used by KR for the binding worker. KR will be happy if the workers have a lot of debt because more and more debt is more easily tied up. Following is the narration of Mareti Gulo informant as follows:

"Yes ... we are here, especially those who work in the plantation sector, most are in debt, not even some people often owe tens of millions. With debt, we are ready to give our labor to work until the debt is paid off. It is possible that our five-year debt will be paid off. Whatever is arranged by the contractor, we must follow."

Debt provision is the same as granting a piece of land by feudal lenders. So it was not without reason Martin criticized critically the feudal power relations (head of the group) with the peasants (laborers) in Europe at that time. Martin [13] understood that feudalism was a very complex social system that had a very diverse structure throughout Europe: British feudalism was very different from French feudalism. Nevertheless, the core of the system contains two personal relationships, namely between the king and the landlords, and between the landlords and farmers. The main characteristic of the feudal system is the surrender of a person to the hands of others just to obtain protection and maintenance, which is in the relationship between landlords and farmers usually in the form of granting a plot of land. In this case, workers (peasants) remain, victims of feudal power, even though they provide temporary "protection" through loans. In this context, debt is an act of feudalism in the joint repression of the labor of Nias migrant workers.

The social reality of labor conditions in plantation companies is an industrial slavery circle. Researchers understand that modern slavery is a manifestation of forced slavery that Giddens [7] argues that the structure as "rules and resources", namely rules or resources, and has a duality relationship with the agency and gave birth to various social practices as well as social action was applied in the colonial period. This condition is a reflection of a labor system that is no longer humanistic, but more of an economic value. Humans are blinded by material values, so forget about others as human beings who have the same dignity. The act of granting debt is understood by Giddens as time and space is not an arena or stage of action, but a constitutive element of action and community organizing. That is, without space and time, there is no action, therefore time and space must be an integral element in social sciences theory [9].

Social Security Discrimination and THR

Outsourcing workers, both as bulk laborers and day-to-day labor migrants from Nias, mostly do not have health BPJS cards or labor cards, but if confirmed to the contractor or contractor's management, they generally claim that the contractor has prepared a BPJS card. The researcher tried to ask the BPJS card for the workforce, and only about 3% (percent) could submit a BPJS card, other than that there were none. Finally, the researcher obtained information about the compulsory report from Windo informant, labor inspector, Manpower and Transmigration Service, Pelalawan Regency. The researcher asked for the report compulsory data and the participation of the contracting company from Nias as members of the BPJS, but the data provided was only 8 labor supplier companies.

These findings are increasingly evident in the recognition of one of the former contractor administrators who has provided data on the manipulation of companies and contractors to the workforce. He explained how to engineer BPJS as follows.

Available online: http://scholarsmepub.com/sjhss/
The agent's role as structured power is a form of power that is played as a condition of oppression of life's guarantees. Researcher Tjandraningsih [2], asserts that the use of contract labor and outsourcing has created more complex labor and employer relationships and raises the differentiation or differentiation of workers in one company based on the status of employment relationships, permanent workers, contract workers, and outsourced workers to do the same work.

The research field findings that exclusion and being members of social security (BPJS) and holiday allowances (THR) through labor supplier companies certainly have a negative impact on health, and occupational safety (K3). Canal mortality and suicides are related to BPJS and THR. In recognition of informants about the conditions faced by Nias migrant workers that the more loosening the rules for implementing BPJS and THR, the cases of Nias migrants' deaths and suicides are increasing. The agent's companies (contractors and KR) is not much to pay if there were men in g gal world, the only cost of graves and eat together as a family.

The Case of Death of Outsourcing Workers

The case of death on the canal is not a new story among Nias migrant workers, especially those who live in camps. Death canal occurs when workers from the camp go to the work area using a speedboat. KR "forced" to load more than the specified load, finally, speedboat ran aground in the middle of the waterway. The case of death in the canal, researchers had met the families of victims of the speedboat sinking. The case of death canal occurs when there are workers who can't wait for speedboats (pompong) boats from other areas. It often happens during the day when returning to camp for lunch, while the sun is hot and already hungry. Finally, workers try to swim, without having the skills to swim. Even though the company often reminded them not to swim in the canal, because it is quite dangerous.

Case death in canals and wells could occur mostly children casualties and of children living in the camp. Parents are working in the work area or the mother is cooking, while the children are playing around the camp which is quite dangerous. According to Ama Iman Baene, a former contract laborer on Serapu Island, when in the camp there were 2 children who immediately died because they fell to the well. Cases of child deaths on the canal also often occur, when children are playing on a speedboat.

Child and Women's Labor

Legislation No. 13 of 2003 Manpower defines child labor as those who are less than 18 years of age. This is the opposite, there are still many children who work under the age of 18, by manipulating the identity of child laborers by contractors. The role of the contractor or group head is not only that, they make a statement from the village head that the relevant identity card is still in management and the child is openly written as 19 years old. At the end of the health examination, researchers confirmed to one of the doctors Ani at the HTI company's health clinic, whether any of the workers who took the test today were still classified as child laborers.

"... it's not just three decks (child labor), even more. It's actually a contractor's business, whoever wants work is accepted. If we just write that it's not old enough, hopefully, they will get away. Actually not permitted, but many have escaped. That's mostly Nias. It's difficult, only Nias people want to be brought here. We want to make rules, but there are also a lot of holes. The contractors only chased targets. If you're not too strict here, mentally want, because it's not worthy of work. That's a matter of discussion. If advised, they don't want to, all of them. Actually, we don't like seeing the accident. They are not forced. They made an agreement, so many of them were hollowed out. That should be the function of the foreman to enforce the rules, but if there is a strict accident, but only for a short time if not noticed. So there must be a lot of counseling. Changes in mindset. Nias people here are mostly not in school and instead cannot speak Indonesian ... ".

Recognition of a doctor informant named Dr. Ani in the satellite camp health clinic is a reflection of a power relationship dominated by labor agents. The contractor should prohibit child labor because it is quite dangerous for the safety of child laborers. Later interpretations that contractors are profit-oriented, while child or family workers need work and earn income, at least can help parents. Foreman in this case as a representation of the company should have a share in prohibiting child labor. Finally, child labor is exploited by capitalism to get the maximum profit.

Casual daily workers who work in nurseries are the dominant women of Nias migrants. They are required to be present in the work area at 6:30 to follow the direction of the labor supplier company foreman where they are registered After landing for about fifteen minutes to half an hour, the female workers began working to clean the grass and garbage in the nursery without being counted as wages from work until 9.00

Available online: http://scholarsmepub.com/sjhss/
our wages were calculated as rice assistance from the company, but other groups from different contractors and the same work location were not treated with weeding hours, but they got 15 kg of rice per month, even when they were allowed to go home at 4:00 p.m.

The laborers in Nursery are just starting to be counted as working hours at 9:00 a.m. to 11:30 p.m., noon treatment 13.00 starts working again without a certain time, depending on the target set. Generally, the female workers in the nursery are allowed to go home or barracks at 17.00-18.00. According to Ina Arman, the company foremen in Pelalawan Center Nursery (PCN), sometimes discriminate by scolding women workers, if they have not reached the specified work target. They get Rp. 78.000 per day, and if you have never been absent for one week (Monday to Saturday afternoon), or 6.5 working days (HK) will get a half-day salary bonus of Rp. 39.000. Researchers interpret these findings as a form of exploitation of female workers because they are always considered weak, even though the salary they receive is Rp. 78.000 per day. The following will be explained for the protection of women migrant workers Nias.

According to Firman Zega, casual daily laborers in Nursery PCN, another obstacle often faced by female workers in the nursery is dismissal. They were fired as they pleased the contractors, without warning. They were fired as they pleased the contractors, without warning. Whereas the initial rules of employment in the dismissal procedure have been read out, but are often not implemented properly. In addition, women workers do not get maternity leave, and even have to wait for the next application even with the same contractor. Following the results of the narrative of Herni Zai, female labor contractor labor supplier PT. Alam Permata Riau:

"... The main obstacle here is that if we give birth, we are not allowed to work. In addition, after we gave birth and we asked for a return to work no longer received. We have to wait and apply again. For example, when I finished giving birth, I had to wait to be able to work again for 7 (seven) months ... ".

There is no fundamental difference in the division of types of work between men and women in the planting section. Malevolent types of work are also done by men and women, without using safety devices such as gloves and masks. Working hours are the same as men's working hours, starting at 6:00 a.m. or 6:30 p.m. to 12 p.m. and continued at 1:00 p.m. to 5 p.m. or 6 p.m. Even after work, female workers cook in their kitchens, while the husband sits sweetly while smoking in front of the room. The social system that was constructed that women workers in addition to working in planting, he also worked in the camp, namely cooking and taking care of children. This assumption is justified if we look at indicators of social facts as a double burden on women as a construction of patriarchal culture. They are still being treated discriminatively in terms of wages, status, and career development opportunities. As a result, women workers become less empowered [14].

CONCLUSION
Structure and agents are very appropriate to describe the social interaction between workers and companies (employers). Such an interpretation that the company affects the agent, on the contrary, the agent influences the structure. Agents are company people affecting the structure, and structure influences agents (laborers). The structure is created through rules on capitalist principles, and the rules affect agents (workers) in social practice [12]. Rules become a means for the exploitation of workers' labor through social practice as a manifestation of colonial slavery. Labor is exploited by capitalism through structures in different ways and the same goals are called modern slavery.

The assumption of researchers that it is not impossible that exploitation practices applied by companies, through the submission of work to labor suppliers are modern slavery. This is evidenced by several research findings that most companies submit work to labor suppliers through outsourcing systems. Not to mention the implementation of the outsourcing system deviated from the Act No. 13 of 2003, while supervision is still weak. Giddens thinking actually elaborated in the findings and assumptions of research in the power relations of forced labor manifesting on modern slavery.

The solution is to socialize the workers to understand the rights as laborers starting from the mechanism of the work system, wages, and Occupational Safety and Health (OHS) and Government in this case the Manpower and Transmigration Service must provide strict supervision on the implementation of the Manpower Act Number 13 in 2003. It is also important in this case the Manpower and Transmigration Agency needs to review the work location of the workers by involving the press, especially labor agencies that are considered illegal, for example, sub-contractors and group heads.

REFERENCES

Available online: http://scholarsmepub.com/sjhss/


