

The Impact of Service Management Policies of Labor Outsourcing in Regard the Strengthening Economy on Labor Service Company (Vendor) in the City of Makassar.

By

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CHAPTER - I

INTRODUCTION

A. Background

Development is the effort to create prosperity and well-being of the people. Therefore the results of development should be enjoyed by the entire people as increasing prosperity and inner fairly and evenly. In contrast, successful development depends on the participation of all the people, which means that the construction should be carried out equally by all walks of life. The construction of a workable, successful and running smoothly in a steady and stable National situation, for equity, growth and stability are interrelated elements.

All areas of people's lives who are building it is today governed by the law, because the law has always been associated with efforts to improve people's lives better so expect order and certainty can be fulfilled and achieved thereby are able to manifest what aim right in the life of the community.

Competition in the business world between the companies, the company should concentrate on making a series of processes or activities are the creation of products and services related to its main competencies. With the concentration of competence against the company, will be generated a number of product and service quality have competitiveness in the market.

In the era of globalization and competition demands a tight business world today, then companies are expected to try to improve its business performance through the management of the Organization effectively and efficiently. One of the efforts made are with the minimal possible work force employed to be able to contribute a maximum of appropriate target companies. For that the company seeks to focus the work of the handle into the core business (core business), while supporting the work submitted to the other party. The process of this activity is known as The term outsourcing is defined as a contract (work) out as stated in the Concise Oxford Dictionary, while regarding the contract itself is defined as follows: "Contract to enter into or make a contract. From the contract us, the past participle of contra here, to draw together, bring about or enter into an agreement. " (Webster's English Dictionary) Outsourcing can also mean as Moving or the delegation of some business process to an agency service providers, where the service provider agency doing the process of administration and management on the basis of the definitions and criteria that have been agreed upon by the parties.

Outsourcing is the process of the transfer of the responsibility of the workforce of the parent company to other companies outside of the parent company. Companies outside the parent company can be vendors, cooperatives or other institution that is regulated in a specific agreement. Outsourcing in the regulation of employment can only include labor in the process of supporting (non core business units) or in the practice of all lines of work can be transferred as a unit of outsourcing and almost all companies that exist today have (and will continue to develop) the line of outsourcing. This trend not only on the solid labor company (manufacturing, textiles) but also high tech companies (telco, banking), to large/small distribution company.

Outsourcing in employment law in Indonesia as a contractor of the work and the provision of services of labor legal outsourcing arrangements in Indonesia is regulated in the Labor Law No. 13 year 2003 (article 64, 65 and 66) and decision of the Minister of manpower and transmigration of the Republic of Indonesia No. Kep. 101/Download/VI/2004 in 2004 about The Provider Agreement Workers/labourers and Kepmenakertrans No. 220/Download/X/2004 on terms of Surrender as the execution of the work to other companies. Settings about outsourcing itself is still considered less government.

Based on presidential instruction No. 3 of 2006 about Investment climate policy package mentioned that outsourcing as one of the factors that must be considered seriously in the attractive investment climate to Indonesia. The form of the seriousness of the Government by appointing Secretary of labor to make the draft revision of Act No. 13 of 2003 On Labor.

Outsourcing should be on long-term point of view, ranging from employee career development, efficiency in the fields of manpower, organization, benefits and more. The company can focus on its key competencies in business, so that it can compete in the market, where the company's internal matters that are ancillary to the other party that is more professional. In practice, these redirects also pose some problems especially the issue of employment.

As a provider of Labor (Vendor), should provide a quality workforce and competent in their fields. So, strengthening in economic sectors can take sustainable and improve the welfare of the workforce. the fact remains this outsourcing System is very profitable for the company because regardless of the various obligations that must be met when compared to using labor anyway. While for labor, the system is constantly threatening the security of work (job security) due to his working relationship with ease ended when the

company requires no power. Offering of position before the entrepreneurs is very low, because the deal works are temporary. To start or extend the contract, workers must first accept the terms of the entrepreneurs who are not profitable. Therefore, to create a sustainable economy and strengthening is oriented towards the welfare of labor. it takes a balance of interests and benefits of the work. Based on the above problem this is what inspired the author to analyze the impacts of Service management policies of Labor Outsourcing in regard the strengthening economy on Labor service company (Vendor) in the city of Macassar.

B. Formulation of the problem

1. What is the impact of the policy on the management of labor services (Outsourcing) in regard to economic community strengthening on labour services company (Vendor) in Makassar city?

C. Objectives

1. To know and analyze the impact of policy on the management of labor services (Outsourcing) in regard to economic community strengthening on labor services company (Vendor) in Makassar city?

CHAPTER- II

A REVIEW OF THE LITERATURE

A. Outsourcing

1. Definition of Outsourcing

The term outsourcing from the word "out" and "source" means a source from outside, is a management approach that gives authority to an agency outside (third parties) to take charge of the process or service previously done by the company. It could also be defined as the purchase of goods or services that were previously provided internally (Swink, 1999; Smith et al, 1996; Lankford and as Pārsa, 1999; Elmuti and Kathawala, 2000; in Franceschini et al., 2003). There are two principal actors in the process of outsourcing, i.e. "outsourced" and "outsources". The first refers to companies that submit work, the second is the company which receives the job (Saunders and Gebelt, 1997 in Franceschini et al., 2003). The term is used differently by the Harland et al. (2005) "outsources" and "outsource". "Outsources" refers to the company that has the authority in the business, and" the company "is the outsources are empowered to manage it.

2. Basic Theory of Outsourcing

There are several theories used to describe outsourcing (Rubberneck and Barbara in Salamah, Iris and Mintarti). The conceptual basis of the most widely used is the theory of transaction cost analysis – Williamson's, 1975 (in McIvor, 2000) – which combines economic theory and management theory to define the best relationship types in order to develop the company faced market changes. This theory laid the foundations purchase using an analysis of the contributing factors that determine the selection of internal or external companies. The concept of transaction cost analysis is that the nature of a transaction to determine the management of an efficient, market-oriented, hierarchically, or Alliance. Another alternative theory to understand the limits of the company is the resource-based view. It is based on the understanding that the company is a unique asset and overall is a source that can create competitif advantages. Internal resources are the main drivers of profitability and the company's strategic advantage (Barney, 1991). The third theory is agency theory, which deals with problems arising from the existence of the mutual relationships between principal and agent. The central issue is how to get an agent (employee, subcontractor, manager) to carry out activities in accordance with the interests of the principal (the company, contractors and owners) when agents have an information advantage over principal and has different interests (Eisenhardt, 1987).

3. The Type of Outsourcing

According to Komang and Agus (2008) the outsourcing type are distinguished into two groups, the Business Process Outsourcing and Outsourced human resources.

- Business Process Outsourcing (BPO)

If in Indonesia known as chartering jobs. This kind of outsourcing refers to the desired end result. If a manufacturing company wants to turn its product sales at other companies, then the payment of compensations in the form of the number of units sold.

- *Human Resources Outsourcing.*

This refers to the outsourcing needs of the provision and management of human resources. For the example above, the manufacturing company will be working with outsourcing companies (vendors) that provides the service provision and management of salespeople. Compensation to the vendor in the form of management fee according to agreement.

B. Understanding The Outsourcing

Outsourcing comes from the word out which means go out and source means the source. The notion of outsourcing with specially defined by Maurice f. Greaver II, at the book Strategic Outsourcing, A Structured Approach to Outsourcing Decisions and Initiatives:, elaborated as follows:

"The Strategic use of outside parties to perform activities, traditionally handled by internal staff and resources.

Greaver, Maurice has definition Outsourcing seen as action to divert some of the company's activity and the right of taking his decision to the other party (outside provider), where this action bound within a contract cooperation. scholars and practitioners of outsourcing from Indonesia also gives the definition of outsourcing, among others mentioned that outsourcing Indonesia language are known as outsourcing, is delegation to operate and the daily management of a business process to support outside (the company outsourcing services). Way of delegation, then the management is no longer done by the company but rather assigned at company outsourcing service (healthy Damanik, 2006:2).

Of some of the definitions put forth above, has similarity in respect of outsourcing that is has giving most corporate events on the other side. The terminology of outsourcing is also contained in the Pasal1601 b KUH The civil code governing treaty- full contract work that is an agreement where the other side to one, jobber, committing yourself to a certain work for other hand something, certain paid with person do it.

While in employment law No. 13 Tahun 2003 implicitly no term outsourcing but understanding the outsourcing itself in indirect can be seen in section 64 which States can give up some so company emphize to work to other companies through agreement contract or the provision of services workers/labour so in writing. Legal base of outsourcing in Indonesia

- *The Book of The Law of Civil Law*

KUH the civil code early milestone arrange about is the work of a contractor who is specially focus on a particular object. The provisions of KUH The civil code are arranged in sections 1601 b KUH the civil code is widely set about hunting agreement and handle all businesses job. Outsourcing terminology contained in Article KUH of the Civil Code regulating 1601 Treaty-agreement work is a testament to the other side one, jobber, committing yourself to a particular job for a for make the other hand, certain paid with person.

- *Law No. 13 Year 2003 about employment*

While in the labor law No. 13 Year 2003 secara no explicit term outsourcing but outsourcing mentioned in law famous two (2) forms of chartering, i.e. work and available workers/workers as provided for in Article 65, Pasal64, and article.

On article 64 mentioned that "company can give job other to company implementation portion through Treaty of handle to all job or the provision of services workers/labor make to way is written". So in other words agreement outsourcing can be identified with contract of agreement.

Not all jobs can be redirected with used system outsourcing, only work fulfil specific terms can be moved to firm

b) is done by direct order or not directly from the giver of work;

c company supporting activities) is way of all; and

d) does not impede the production process directly.

- *Decisions The Minister of Manpower and Transmigration of Indonesia*

services company Workers/Labourers made for fulfill command Article 66 paragraph (3) of law No. 13 of 2003 on Labor, which this to point 2 Kepmenaker stated that: (1) to be able to be a provider of labour, the company required to have the operational permit of responsible agencies in the field of employment in the County/city in accordance living at company provider of workers/labourers. (2) the operational permit company to get workers/labourers convey petition to the attach: a. Copy of the endorsement as a legal entity or limited liability Cooperative shaped; b. a Copy of the statutes in which the service provider business has activity workers/labourers; c. Copy SIUPd. Copy of the employment report is still valid (3) establishments that responsible on the referred to in subsection (1) must have published the English against the petition operational permit has complied with condition as mentioned in paragraph (2) in the longer than 30 (thirty) working days since the petition accepted

C. Employment

In Indonesia, the notion of labor or manpower started to sound. The workforce includes people who are already or are working, looking for work and who do other activities such as school and take care of the household. The question of the principal employment sourced from the lack of competitiveness of the workforce against the rate of growth of the work force nationwide. The real issue is not stand alone but is a chain of interconnected within the overall national development process.

Other issues that often arise in employment is the occurrence of an imbalance between manpower supply (supply of labor) and labor demand (demand of labor) at a certain wage level. This imbalance can be an excess supply of labor, i.e. when the offer is greater than the demand for labor, or excess demand of labor, that is, if the demand for labor will offer greater than the labor.

Lewis, A in Todaro (1985:66) put forward his theories about employment, i.e. the excess workers is an opportunity and not a problem. Excess workers in one sector will give their fair share towards the growth of output and the provision of workers in other sectors. Next Lewis argued that there are two factors in the economy of the country is growing, i.e. sectors of modern and traditional sectors. The traditional sector of agriculture sector not only, but also including the informal sector in urban areas (street vendors, retailers, merchants place). The informal sector is able to absorb the excess labour that existed during the process of industrialization, so called employment security.

D. Compensation

Hasibuan (2007:117) defines compensation as all income in the form of money, goods directly or indirectly received employee in return for the services rendered to the company. Compensation is a broad term relating to rewards-financial reward (financial reward) received by people through their employment relationship with an organization. In General, the form of financial compensation is because monetary expenditure undertaken by the organization. Compensation can be directly, where money is given to the employees, directly or indirectly, in which employees receive compensation in the form of a non-monetary form, while according to Gomez in the Sulistiyani (2004:231) compensation is received by workers as a retribution upon the work done employees.

As has been expressed, compensation is one of the elements of operational functions, where compensation is also one way of management to improve the work achievement, motivation and job satisfaction of employees. Compensation can be defined as retribution for their work (Husein Umar, 2002).

E. Strengthening The Economy

Sanjaya (2009:37) stated that the strengthening of the (reinforcement) is any form of response either verbal or non verbal, to give feedback on his actions as an impetus or correction and motivate to do the same thing as given the strengthening of yesteryear. While according to Hasibuan (2008:58) that States that provide reinforcement is defined by behavior in responding positively to a certain behavior that allows these behaviors arise again, meant to reward or heartening in interact.

Can the authors conclude that the reinforcement is any kind of a positive response given either verbal or nonverbal nature against good behavior so compelled to repeat or improve good behavior.

CHAPTER- III

RESEARCH METHODS

This Type of Qualitative Research Approach Through Phenomenology

A. DISCUSSION

In general the company that employs the power of outsourcing benefit not only financially but also in terms of outside financial, from the aspect of labor outsourcing payroll policy and which all rules of the game set by the carrier, so that sometimes a lot of things that are not yet understood by the workforce, it does have an impact on the flavor of satisfied so that tend to cause conflict and rejection, to it in the implementation of the Government need to give optimal attention so as not to cause problems between labor and party the company as the sender, as mentioned in Act No. 13 of 2003 on labor, that the job can be at-outsourcing (type of business) is supporting the activities of the company as a whole, where according to Herawati (2010), that in the ACT of explanation is supporting service activities or activities which are not directly related to the production process are activities that relate to outside business principal (core business) of a company. Such activities include: Business Services hygiene (cleaning service), providing food for the workers/workers of catering, business security personnel (security/guards), business support services in petroleum and mining, as well as businesses providing transport workers/laborers.

The supporting activities of interpretation indicated in the explanation of the law No. 13 year 2003 leaning on the definition of where outsourcing (Outsourcing) is exemplified by the activity form to facilitate regular contracting. the work and avoid labor problems. Outsourcing (Outsourcing) in the modern world is done for strategic reasons, namely to gain a competitive advantage to face the competition in order to maintain market share, ensure the survival and development of the company.

1. The Reason Companies Implement Outsourcing

the outsourcing policy is applied because the policy is assessed may provide some advantage for the company. The advantages are:

- *Focus on the primary Competence*

By doing outsourcing, companies can focus on their core-business. This can be done with renewed strategies and a restructuring of resources (HR and financial).

The company will benefit by focusing it resources to meet customer needs, by means of redirecting the work supporting outside core-business company to vendor outsourcing and focus the resources that exist entirely on the work directly related to strategic customer satisfaction or increased the company's revenue.

- *Saving and Controlling Operating Costs*

One of the main reasons outsource is the opportunity to reduce and control operating costs. The company that manages its own Human Resources will have a financing structure that is greater than the companies that handed over the management of HR outsourcing vendor to. This happens because the outsourcing vendors playing with "economies of scale (economies of scale) in managing Human Resources. Same is the case with manufacturing companies, the more a product is produced, the lower the cost per-product issued. For outsourced vendors, more and more human resources are managed, the lower the per-person cost is also issued.

For most companies, Human Resource costs are generally fixed (fixed cost). When the company experienced positive growth, this would not be problematic. However, when negative growth, it will be very damning corporate finance. By diverting the provision and management of Human Resources who work outside of the core-business of the company to vendor outsourcing, companies can control the costs of Human Resources by changing the fixed cost becomes a variable cost, where the number of Human Resources adapted to the needs of the core-business of the company. The importance of controlling the costs of Human Resources we can see at the moment.

2. Utilize the Outsourcing Vendor Competence

Because of its core-business provisioning and management services in the field of HR outsourcing, vendors have the resources and capabilities that better in the field than with the company. This ability is gained through their experience in providing and managing Human Resources for various companies. When partnering with vendors outsourcing professionals, the company will benefit by leveraging the expertise of the outsourcing vendors to provide and manage the Human Resources required by the company.

For a small company, the company's new stand or companies with less Resources both in the number of both the capabilities of outsourcing, vendors can provide a great contribution to the company. Because if not handled properly, the HR management can cause problems and considerable losses for the company, even in some instances threatening the existence of the company.

3 *The Company Into A Leaner And More Agile In Responding To The Market.*

Every company, whether small or great, surely has limited resources. By doing outsourcing, companies may divert limited resources from the works of a non-core and have no effect against direct revenue and profits of the company to strategic works core-business, which in turn can improve customer satisfaction, revenue and profits of the company. If done well, outsourcing can make the company into a leaner and more agile in responding to the needs of the market. Speed responds this market into competitive advantage (competitive advantage) compared to competitor companies.

4. *Reduce the risk*

With the outsource, the company was able to employ fewer employees, and selected the essence only. It is becoming one of the company's efforts to reduce risks against business uncertainty in the future. If the business situation is nice and needed more employees, then this still needs can be met through outsourcing. Whereas if the situation were to deteriorate and the business would have to reduce the number of employees, the company reduced the number of employees outsourcing lived alone, so the monthly burden and cost of termination of employees can be reduced. The risk of disputes with employees if there are any layoff can be avoided because legally it is the responsibility of the outsourcing vendor. Armed with a long experience in serving various types of enterprises, outsourcing vendors can minimize problems that may arise related to the provision and management of Human Resources. Nowadays many companies decide to divert at least one non-core jobs are those with a variety of reasons. They generally realize that recruiting and contracting employees, calculate and pay the salary, overtime and benefits-benefits, providing training, public administration and ensure all processes running in accordance with the regulations of the legislation is a complicated job, a lot of time, thought and considerable funds. Redirect jobs to outsourcing vendors more competent by giving a number of fee in return services proved to be more efficient and less expensive than do it themselves.

5. *Impact Of Outsourcing Practices*

Based on the reality that labor has three categories i.e. fixed labor, labor contract and labor outsourcing, this grouping is generally characterized by a uniform color worn by a third the labor groups and among labor outsourcing contracting companies that came from labor. The grouping based on the color of the uniform brings the effect of stratification and social distance between workers ' remains, which have implications for outsourcing contract and against solidarity and consciousness together as laborers.

The practice of outsourcing relationships bring at least three forms of discrimination against workers, namely:

- *Age And Marital Status Discrimination*

A follow-up policy applied by the company users to employ labour outsourcing is applying restrictions of age and marital status for outsourcing labour arising from the discriminatory effect. Companies tend to employ young and old workers to labor recruitment outsourcing labor requires new 18-24 years old and single status by reason of productivity. Select single the status of the bring labor increasingly difficult labor effects already married to obtain jobs and incomes.

- *Discrimination Study.*

Outsourcing workers who do the same type of work in the same working hours of laborers still get different wages. The total wage labor contract lower 17% of workers ' wages and the wages of labor outsourcing total 26% lower than the wages of labor. It can be described in the table of results below.

- *Discrimination Converge (Association)*

Contract workers and outsourcing are prohibited from directly or indirectly to join particular unions or States any contract not renewed and the possibility of joining a Trade Union.

The practice of outsourcing brings the effects of degradation or decline in working conditions and workers' welfare. In this working relationship there is no guarantee of work due to the nature of the working relationship contract with an average contract period 1 year, only wages a minimum of received some small allowances totaling more than received workers remain, to extend the contract period must pay for labor contracting, there is no compensation when the working relationship ends, the status and career enhancement opportunities is very small.

6. *The Effectiveness Of The Implementation Of Labor Outsourcing*

1. Draw up in advance a Business Process in a simple, business processes can be defined as a set of processes that explain how a business is run. With the enactment of the Ordinance of the Minister of manpower and transmigration No. 19 in 2012 about the terms of the surrender of a portion of the execution of the work to other companies ("Permenakertrans No. 19/2012"), then the arrangement of the business process being a must for companies who will use the services of labor Outsourcing. Although the authors may be through mechanisms of the Association where the company take shelter. The main objective of drafting of the business process is known to be able to function/part anywhere of such companies that fall into the category of Non-core Business and Core Business so that it can be known which functions may use the services of Labor Outsourcing and which functions should not. 2. Devise a system of procurement Outsourcing Labor In Efficient, Ideally, to recruit manpower outsourcing mechanisms recruitment should be equated with the regular workforce. However, because of the election, in the process of outsourcing personnel were not involved at all because to do is between enterprise users (user) with service providers personnel outsourcing (vendor), then surely there must be an appropriate mechanism for selecting the vendor, at the moment, a common mechanism used for selecting all vendors is through the mechanism of the procurement of goods and services (tender/procurement). It just needs to be of concern is how to design the procurement system more efficiently in order to obtained a quality vendor, for example through e-procurement or through the usual tendering mechanism with the application of the rules of the game are transparent and accountable. Specifically for the procurement of outsourced personnel vendor (provider of outsourced personnel), then it should also put the requirements regarding obligations fulfillment outsourcing workers' rights from the company's previous vendor in Temporary work plan (RKS) or in the document. 3. Agreement the use of outsourcing as a means of furthering supervision always encountered complaints from companies outsourcing energy users (user) that they must be involved in solving the problem of employment among vendors with outsourcing. When it should be resolved between the company vendor workers with such outsourcing. In fact, the purpose of user utilizes the power of outsourcing is to avoid involvement in taking care of things like that. To avoid these problems, then the rights and obligations between users and vendors must be set explicitly in the agreement of cooperation the use of outsourcing personnel. Therefore the cooperation agreement through the user can perform the function of supervision of the good against the company vendor and outsourcing personnel. The supervision can be a form of sanctions against the vendor if it does not implement the terms and conditions of the agreement. From the lightest sanctions up to the toughest sanctions in the form of termination of employment relationships are the same. Thus it becomes very important to draft a cooperation agreement the use of outsourced personnel who both fit the needs of the business user and protect the interests of the parties in cooperation. 4. Select the dispute resolution forums are right to understand that power usage agreement between user and company outsourcing companies outsourcing power vendors is the usual civil agreement which is subject to the provisions set forth in the book of the law of civil law (KUHP Ideally), then in drawing up the Treaty, it is necessary to pay attention to the choice of dispute settlement forum if there is a dispute between the parties in the agreement. As a user, certainly in drawing up energy cooperation agreements, outsourcing does not only have to compute and are ripened calculated how quantity cost that must be paid to the vendor company. But it must also calculate the costs not including if have to deal with legal disputes.

CHAPTER- IV

CONCLUSION

The outsourcing Policy in Indonesia based on the existence of law No. 13 of 2003 on labor, which can generally be defined as a process to outsource or move business activities to a third party, the primary purpose and mainly do outsourcing is to save on the cost of production, in addition the company also can better focus on its core competencies, namely the expansion of the business network or his business idea.

Currently as many as 40-50% of the formal sector workforce in Indonesia's status as labor outsourcing. Formal sector workforce in Indonesia has now reached approximately 30 millions of people, while the informal sector could reach 70 million more people.

In Act No. 13 of 2003 on labor, that the job can be at-outsourcing (type of business) is supporting the activities of the company as a whole, such as: business services hygiene (cleaning service), providing food for the workers/workers of catering, business security personnel (security/guards), business support services in petroleum and mining, as well as businesses providing transport workers/laborers. But this time, the type of work that in also no longer limited to support work that sort of energy security, labour or courier. Now also more and more work in the back office-outsourc, as the duty of the Secretary, staff payroll, accounting staff and the like. The application of the policy of outsourcing can deliver a positive impact or negative for certain parties involved in employment.

- A. For labour: the opportunity to work short and limited, there is no compensation at the end of the working relationship, well-being is decreasing, wages never rose, can not be associated.
- B. For unions: lost members, interest unions bargaining position decreases, increasingly weak, helpless cope with outsourcing, violations of the rights of the Association directly or indirectly
- C. For employers: Labor Affairs increasingly practical, reduced labor costs, high costs in the short term but in the long term: pay a management fee and severance in order to decongest the working relationship continues to be the contract but do not have to provide compensation and retirement when the working relationship ends, reducing the risk of losses due to fluctuations in business
- D. For the Government: impact plus is, outsourcing can develop and encourage community economic growth and the growth of the national economy and can reduce unemployment. While its negative impact is the mass violation against the rules and the ACT regarding outsourcing and freedom of Assembly, the decline of authority, competence and professionalism of the apparatus danker, expansion of employment opportunities in the formal sector difficult is achieved.
- E. based on some of the problems that arise in the implementation of the outsourcing policy in Indonesia, the Government should be able to do a few things such as:
 - Drawing up employment regulations in the central level and the area for the protection of labor contracts and outsourcing.
 - Make regulations in formula one and meaning.
 - List the deterrent effect of sanctions in the rules on labor contracts and outsourcing
 - Make budget priority areas for the improvement of the competence and professionalism of employees of supervisory labor.
 - Consolidate the power of trade unions to strengthen the position of offering.
 - Apply the social security system as a form of State responsibility towards the citizens of the

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