


Legal Protection of Billing Agency Workers

Jemy Marvel Radjawane^{1*}, Jantje Tjiptabudy², Sarah Selfina Kuahaty³

^{1,2,3} Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

 : dionmarvelio34@gmail.com

Corresponding Author*



Abstract

Introduction: Humans as social creatures need help from other humans in living their daily lives. Because, there are things that humans cannot do without the help of other people. Apart from this, humans in their lives also have 3 (three) basic needs, namely: primary, secondary and tertiary needs. Facing these needs, both humans and companies always want to fulfill them all because they basically want to live a decent life and always have enough. To be able to meet these needs, what often happens is that people and companies do not buy goods in cash but rather in installments or on credit.

Purposes of the Research: Can a collection agency be said to be an employee? and what is the form of legal protection for collection agencies that take motor vehicles that are objects of credit guarantee.

Methods of the Research: The research method used is a normative or literature legal research method.

Results of the Research: The legal relationship between the debt collector and the debtor, namely the Billing Agency in doing its work acts as a lessor based on a power of attorney. The legal basis for the Billing Agency in carrying out its duties is carried out based on the granting of power of attorney from the lessor to the Billing Agency as stipulated in Article 1792 and Article 1795 of the Civil Code regarding special power of attorney.

Keywords: Legal Protection; Collection Agency; Debt Collectors.

Submitted: 2024-11-30

Revised: 2025-01-29

Accepted: 2025-01-30

Published: 2025-01-31

How To Cite: Jemy Marvel Radjawane, Jantje Tjiptabudy, and Sarah Selfina Kuahaty. "Legal Protection of Billing Agency Workers." TATOHI: Jurnal Ilmu Hukum 4 no. 11 (2025): 897-904. <https://doi.org/10.47268/tatohi.v4i11.2844>

Copyright © 2025 Author(s)



Creative Commons Attribution-NonCommercial 4.0 International License

INTRODUCTION

The Republic of Indonesia has currently implemented development in all fields. This development also includes employment development. Employment development is an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Protection of workers is a basic right that must be obtained by every worker. In Indonesia, the concept of human rights is clearly recognized in the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) and is implemented by the state in society.

The right of workers/laborers to obtain employment has been recognized in the 1945 Constitution of the Republic of Indonesia as a constitutional right and an effort to create the welfare and prosperity of the people. This is a tool to achieve the goals of the state as stated in the state constitution.¹ The public is generally more familiar with the work of a debt collection agency as a debt collector. The Bank itself also calls it by the same name. The debt collector is a job as a third party that connects in terms of debt collection. The collection is only carried out if the quality of the bill in question has been included in the category of doubtful collectibility, stuck, and problematic.² The term debt collector is often considered as a job that reflects the criteria of debt collection by prioritizing violent actions and is

¹ Marwati Riza, *Perlindungan Hukum Pekerja Migran Indonesia di Luar Negeri*, As Publishing, Makassar, 2009, p.72

² Masrudi Muchtar, *Debt collector Dalam Optik Kebijakan Hukum Pidana*, Aswaja Presindo, Yogyakarta, 2013, p.3

considered inappropriate for use in large banks in Indonesia, let alone getting legal protection. The public always considers this job as a debt collector criminal so that it always brings violent actions. In fact, work as a collection agency is everything that is done by humans with various specific purposes, work is closely related to human life so that it is entitled to protection from human rights law.

Based on the understanding as explained above, it automatically also influences the existence of debt collectors in carrying out debt collection activities, especially on the one hand as an effort to enforce and classify so that it can be protected and also become a serious concern. Furthermore, the meaning of this explanation is so that specifically the collection agency can or cannot be categorized as a workforce in the context of employment.

METHODS OF THE RESEARCH

Use method normative legal research because the focus of the study starts from the ambiguity of norms, using the following approaches: statute approach, conceptual approach, *comparative approach*, and historical approach. The legal material search technique uses document study techniques, and the study analysis uses qualitative analysis. The procedure used in compiling this writing is to collect primary, secondary and tertiary legal materials and then combine them with previous problems. Based on the legal materials that have been collected, both primary and secondary and tertiary, the analysis technique used in compiling this writing is qualitative analysis, because what is studied are things that are fundamental to what the author understands.

RESULTS AND DISCUSSION

A. Classification of Workforce in Indonesia

The definition of labor according to Law Number 13 of 2003 in Article 1 Paragraph (2) states that: "Workers are all people who are able to do work to produce goods and/or services either to meet their own needs or for the community." This law stipulates that the use of the term worker is always followed by the term laborer which indicates that this law interprets the term with the same meaning. In Article 1 number 3 of Law Number 13 of 2003, it provides the definition of Workers/laborers as all people who work by receiving wages or other forms of compensation." From this definition, several elements inherent in the term worker or laborer can be seen, namely as follows:³ 1) Every person who works (whether part of the workforce or not part of the workforce but must work); 2) Receives compensation/wages as a reward for carrying out the work.

Sitanggang gave his opinion regarding the characteristics of the workforce, including:⁴ 1) Skilled workers are a potential Human Resources (HR) that is very much needed in every company to achieve its goals. If these skilled workers do not work in the legal entity or company, then the company cannot operate or the activities of the legal entity or company cannot run well or do not meet the standards that have been set based on the rules in Indonesia; 2) Labor is generally available in the labor market and is usually ready to be used in a production process of goods and services. Then the company or recipient of labor asks for labor from the labor market. If the labor has worked, then they will receive compensation in the form of wages or salaries.

³ Maimun, *Hukum Ketenagakerjaan Suatu Pengantar*, Pradnya Paramita, Jakarta, 2007, p. 147

⁴ Sitanggang, Pengaruh Struktur Ekonomi Pada Penyerapan Tenaga Kerja Sektorial: Analisis Model Demometrik Di 30 Propinsi Pada 9 Sektor Di Indonesia, *Jurnal Ilmu Hukum Tambun Bungai*, Vol. 7, No. 1, Maret, 2022, p. 86.

Classification is a systematic or grouped arrangement according to specified standards. In Indonesia, the classification of labor based on the Labor Law can be divided into several main categories. The following is a general classification of labor in Indonesia:⁵ 1) Permanent employee: A worker with permanent status, who has workers' rights in accordance with the laws and regulations and is usually employed with a contract that has no time limit; 2) Contractual employee: A worker with a contract based on a project or a certain period of time. They have certain rights in accordance with their contract agreement; 3) Daily worker: A worker who is employed daily or with a daily contract. They do not have a permanent job guarantee; 4) Outsourcing worker: A worker who is employed by an outsourcing company that provides labor services to other companies. Outsourcing regulations have undergone significant changes in recent years; 5) Migrant worker: A worker who comes from another country to work in Indonesia, often has special regulations governing their status and rights; 6) Part-time worker: A worker who only works part of the time and may not receive all the rights that full-time workers have; 7) Child labor: Children under a certain age who are employed with strict provisions and limitations in accordance with the law; 8) Disabled Workers: Disabled workers have protections and rights as regulated by law; 9) Agency Employees, individuals who work for a collection agency or company. Of the many workers classified in the Labor Law, this study focuses more on the collection agency workforce, namely collection agency employees. In addition, the classification of workers can include various types of workers, including full-time employees, part-time employees, contract workers, and agency employees. All of these categories fall under the general definition of workers because they are engaged in productive activities or services in various fields and industries.

B. Scope Collection Agency Jobs

A collection agent is technically a party employed by a credit provider company to collect outstanding payments from its debtors. In addition, a collection agent also has other important tasks, including: 1) Conducting repeated checks on prospective debtor information; 2) Analyzing all terms of sale or documents required for lending; 3) Acting as a liaison between the debtor and the credit provider. Ensuring that prospective debtors are able to carry out payment responsibilities based on their background; 4) Serving debtors and being responsible for collecting pending payments on the specified due date; 5) Providing information to debtors when the account has entered its due date along with the amount to be paid; 6) Processing accounts of debtors who have entered their due date; 7) Recording the names of debtors who have missed the payment due date and sorting them according to the level of violation; 8) Informing creditors regarding overdue accounts and the amount of funds owed.

Collection agents in carrying out their duties, collection agents must comply with the following professional ethics: 1) Have an official license issued by the Financial Services Authority; 2) Do not collect from non-debtor parties; 3) Implement the Loan Operational Standards properly, namely not committing violence, threats, and destroying the borrower's self-esteem; 4) Do not commit acts of terror against debtors; 5) Do not use verbal or physical violence against debtors.

C. Connection Employment Contract Agreement Between Workers/Laborers and Companies Providing Worker/Laborer Services.

⁵ Damanik, Sehat, *Outsourcing dan Perjanjian Kerja Menurut UUU Nomor 13 Tahun 2003 Tentang Ketenagakerjaan*, DSS Publishing, Jakarta, 2006, p.3

Labor Law is a part of the law concerning the regulation of employment relations, both individual and collective. Continuing the definition of labor law, Lalu Husni stated that labor law is all legal regulations relating to labor, both before work, during or in an employment relationship, and after the employment relationship. In addition, labor law also regulates the employment relationship between workers/laborers and employers, which means regulating the interests of individuals. This legal discipline covers issues such as legal regulations or work agreements, reciprocal rights and obligations of workers/laborers and employers, wage determination, job security, health and safety in the work environment, non-discrimination, collective work agreements, worker participation, the right to strike, income/revenue guarantees and the provision of welfare guarantees for workers and their families.⁶

The Indonesian Employment Law, the employment relationship between workers and labor providers (including labor placement agencies) is regulated by several provisions. Here are some important points that describe the employment relationship: 1) Employment Contract: The employment relationship between workers and labor providers is based on an employment contract. This employment contract must contain information about the rights and obligations of both parties, including wages, work schedules, contract duration, and other relevant provisions; 2) Wages and Salaries: The employment contract must state the wages that workers will receive from the labor provider. Law Number 2003, regulates the minimum wage that must be paid to workers; 3) Protection of Workers' Rights: Workers who are placed by labor providers have rights that must be protected, including the right not to be discriminated against, the right to receive wages in accordance with the provisions, and the right to work in a safe environment; 4) Alignment of Wages and Facilities: Workers who are placed by labor providers have the right to receive wages and work facilities that are equal to workers who are directly employed by the employer company; 5) Termination of Employment: The Employment Law regulates the provisions for termination of employment between workers and manpower providers. There are procedures to be followed for termination of employment, including severance payments if required; 6) Taxes and Insurance: Manpower providers are usually responsible for paying taxes and social insurance contributions related to the workers they provide.⁷

This employment relationship is based on a contract between the worker and the labor provider company, and the rights and obligations of each party are regulated by the Employment Law and the employment contract they agree to. It is important for both parties to understand and comply with the applicable provisions to protect their rights and obligations in the employment relationship.

Legal provisions regarding the employment contract relationship between workers/laborers and labor service providers are regulated in Article 66 Paragraphs (2) and (3) of the Employment Law. Paragraph (2) regulates: Labor service providers for supporting service activities or activities that are not directly related to the production process must meet the following requirements: a) There is an employment relationship between the worker/laborer and the labor service provider company; b) The employment agreement that applies in the employment relationship as referred to in letter a is a work agreement for a certain period that meets the requirements as referred to in Article 59 and/or an indefinite period of work agreement made in writing and signed by both parties; c) Protection of

⁶ Lalu Husni, *Hukum Ketenagakerjaan Indonesia*, Raja Grafindo Persada, Jakarta, 2010, p. 63

⁷ Hardijan Rusli, *Hukum Ketenagakerjaan Pasca Reformasi*, Ghalia Indonesia, Jakarta, 2003, p. 12

wages and welfare, working conditions, and disputes that arise are the responsibility of the labor service provider company; and d) Agreements between the company using the worker/laborer's services and other companies acting as labor service providers are made in writing and must contain the articles as referred to in this law.

Furthermore, in Article (3) that: The provider of worker/labor services is a form of business that is a legal entity and has a permit from the agency responsible for the field of employment. In this case, the meaning of worker or laborer is an individual or agency employee. Meanwhile, what is meant by a company providing worker/labor services is a labor placement agency company or a labor service provider agency that is a legal entity. So it must comply with applicable legal regulations in terms of business permits, tax payments, protection of workers' rights, and other matters related to business operations and comply with special regulations in the labor recruitment and placement industry.

Reflecting on the above provisions, if it is related to the working relationship between collection agency employees and agency companies, it is usually based on a temporary work agreement. Agency employees work for agency companies which then rent out the services of these employees to client companies, in this contract, it will usually be regulated regarding: 1) Contract Period: Determines the period of validity of the contract between agency employees and agency companies; 2) Salary and Benefits: Specifications regarding the amount of salary, benefits, or other benefits received by agency employees; 3) Duties and Responsibilities: Explains the duties and responsibilities of agency employees during the contract period, including expected results; 4) Rights and Obligations: Discusses the rights and obligations of each party, such as work discipline, company rules, and employee rights; 5) Termination of Contract: Establishes the provisions for termination of the contract, either by agency employees or agency companies, as well as legitimate reasons for termination; 6) Confidentiality Clause: Includes confidentiality provisions regarding company or project information that may be accessed by agency employees; 7) Location and Working Hours: Establishes the work location and expected working hours of agency employees; 8) Performance Evaluation: Describes the performance evaluation process and the criteria used to assess agency employees during their duties. The above contractual agreement relationship can create flexibility for companies that require collection agency workers according to project needs or for a certain period of time and employment status can end after certain tasks are completed according to the terms of the employment contract.

D. WorkerCollection Agency

Collection agencies are generally known as "debt collectors" which comes from the English words "debt" and "collector". "Debt" means debt and "collector" means collector, so debt collectors can be said to be debt collectors or debt collectors. However, the term debt collector is considered to reflect collection criteria that prioritize violent actions and is considered inappropriate for use in large banks in Indonesia. The Bank itself calls it a "Collection Agency". A Collection Agency is a third party that connects creditors with debtors in terms of credit card debt collection. The collection is only carried out if the quality of the credit bill in question has been included in the category of doubtful collectibility, bad debt, and problematic. The use of Collection Agency services is usually related to debts that have entered the criteria for bad debt.⁸ The existence of a collection agency as a third party service in resolving debt collection at a financing company is stated in the Financial Services Authority Regulation Number 7/POJK.05/2022 of 2022 concerning the Implementation of

⁸ Masrudi Muchtar, *Debt Collector Dalam Optik Kebijakan Hukum Pidana*, Aswaja Presindo, Yogyakarta, 2013, p.3

Financing Company Business. Article 48 shows that the other party referred to is a third party service or debt collector. This provision is present as a legal umbrella for using a third party in the context of a debt collection function to the debtor, where the debt collector must be under the auspices of a party that is a legal entity for debt collection, and has a permit from the authorized agency, and has human resources who have been certified as competent in the field of collection.⁹

A collection agency employee is an individual who works for a collection agency or company that specializes in collecting debts or accounts receivable from debtors or customers who have not paid. The primary duties of a collection agency employee are to contact debtors, send notices, negotiate, and attempt to collect outstanding payments or outstanding debts. In addition, agency employees typically work for collection agencies or companies hired by lenders, creditors, or companies that have bad debts. Collection agency employees can work in a variety of sectors, including banking, credit card companies, finance companies, and other financial sectors. Their work involves communicating with debtors, handling paperwork, and attempting to reach a settlement of the debt.¹⁰

The procedure of collection agencies in Indonesia involves several general steps, as follows: 1) Selection of Collection Agency: Choose a trusted and reputable collection agency; 2) Submission of Data: Submit complete data regarding the debtor to the collection agency, including contact information, address, and details of the debt; 3) Collection Order: The collection agency will issue a collection order to the debtor, explaining the amount of the debt, payment deadline, and consequences if not paid; 4) Communication with Debtor: The collection agency will communicate with the debtor to discuss payment or other negotiations; 5) Payment Negotiation: Negotiation efforts are made to reach a payment agreement that is acceptable to both parties; 6) Legal Action: If negotiations are unsuccessful, the collection agency can take legal steps to resolve the problem; 7) Reporting to the Authority: If necessary, the collection agency can report the debtor to the relevant authorities.

The duties and responsibilities of collection agency employees involve a series of activities related to the arrears collection process. Here are some general duties and responsibilities that can be carried out by collection agency employees: 1) Debtor Research and Identification: Conducting investigations to identify complete information about the debtor, including addresses, telephone numbers, and other contact information; 2) Contact with Debtors: Contacting debtors to provide information about unpaid bills, establishing payment agreements, and answering debtor questions or objections; 3) Payment Negotiation: Negotiating and negotiating payment plans that are acceptable to both parties, including installment payment arrangements or payment deferrals; 4) Delinquency Monitoring: Monitoring arrears and determining appropriate collection steps if the debtor does not comply with the agreed payment agreement; 5) Collection Reporting: Preparing periodic reports on the status of collection to the collection agency's superiors or management, including the amount of money successfully recovered; 6) Complaint Handling: Responding to debtor complaints or questions politely and effectively, and finding solutions to resolve the problem; 7) Following Policies and Regulations: Performing collection duties in compliance with all applicable policies and regulations, and adhering to a high work ethic; 8) Record Keeping: Recording all interactions with debtors, including

⁹ Kasirinus Jee Lua, Tinjauan Yuridis Terhadap Penggunaan Jasa Pihak Ketiga (*Debt Collector*) Dalam Menagih Kredit Bermasalah Pada PT Adira Dinamika Multifinance Tbk, *Jurnal Preferensi Hukum*, Vol. 2, No.2, Desember, 2021, p. 34.

¹⁰ Dahlan Siamat, Hak Pekerja Agensi Penagihan, *Jurnal Hukum Keuangan Perbankan*, Vol. 4, No. 6, April 2018, p. 5.

details of discussions and payment agreements, for documentation and audit; 9) Database Updating: Ensuring that the collection system database or software is up to date with the latest information regarding collection status; 10) Collaborating with Other Teams: Working closely with internal teams, such as legal or finance, to ensure effective resolution of complex collection cases.¹¹

Based on the overall duties and responsibilities of the collection agency employees above, the collection agency employees are responsible for ensuring the recovery of pending funds by carrying out the collection process efficiently and ethically. In Indonesia, collection agency employees are regulated by Law Number 13 of 2003. Some specific provisions that apply to collection agency employees in the literature of these laws and regulations include: 1) Employment Contract: Collection agencies must draw up an employment contract with their employees. This contract must include information such as salary, work schedule, rights and obligations, and contract duration; 2) Wages and Salaries: Wages and salaries must be paid to collection agency employees in accordance with the minimum standards applicable according to the location of their work. So that these wages can vary based on location and sector of work; 3) Working Hours: maximum working hours, breaks, and leave that must be given to employees, including collection agency employees. Based on this provision, the working hours are 7-8 hours per day, but because collection agency workers are workers who are categorized as workers with a certain time, the working hours of the collection agency are not fixed; 4) Health and Safety Protection: This law sets standards to protect the health and safety of employees in the work environment, including in collection agencies; 5) Protection of Employee Rights: Collection agency employees are also protected by labor law in terms of the right not to be discriminated against, the right to join a union, and the right to file labor-related complaints; 6) Contract Cancellation: The provisions of this labor regulation regulate the provisions for canceling an employment contract between an agency and an employee. So when an agency company or leasing worker cancels a contract that has been agreed upon, the contract termination procedure must be in accordance with the clauses stipulated in the contract, but if the employment contract does not regulate a clause regarding contract cancellation, then the contract cancellation can only be done by a court decision in accordance with the provisions of Article 1266 of the Civil Code.

Based on the provisions regarding collection agency employees regulated in the Employment Law, it can be summarized that collection agency workers are part of the workforce. They are individuals who work for agencies or companies that provide certain services, including debt collection, labor recruitment, or other services and have employment status, rights, and responsibilities in accordance with applicable regulations, employment contracts and policies.¹²

CONCLUSION

Collection agencies are workers. As contract workers to handle specific tasks related to debt collection. These contract workers are usually hired for a specific time or for specific projects, and their employment status may end after a specific task is completed or in accordance with the terms of the contract. The form of legal protection for collection agency workers is health and safety protection from Social Security Administrator Employment in

¹¹ Rinus Pantouw, *Hak Tagih Faktor Atas Piutang Dagang*, Kencana Prenada Media Group, Jakarta, 2006, p. 69.

¹² Malayu Hasibuan, *Dasar-Dasar Hukum Ketenagakerjaan*, Bumi Aksara, Jakarta, 2006, p. 178

the form of work accident insurance, medical expense reimbursement, income replacement, and recognition and compensation for disability or death.

REFERENCES

- Dahlan Siamat, Hak Pekerja Agensi Penagihan, *Jurnal Hukum Keuangan Perbankan*, Vol.4, No. 6, April 2018.
- Damanik, Sehat, *Outsourcing dan Perjanjian Kerja Menurut UU Nomor 13 Tahun 2003 Tentang Ketenagakerjaan*, DSS Publishing, Jakarta, 2006.
- Hardijan Rusli, *Hukum Ketenagakerjaan Pasca Reformasi*, Ghalia Indonesia, Jakarta, 2003.
- Kasirinus Jee Lua, Tinjauan Yuridis Terhadap Penggunaan Jasa Pihak Ketiga (*Debt Collector*) Dalam Menagih Kredit Bermasalah Pada PT Adira Dinamika Multifinance Tbk, *Jurnal Preferensi Hukum*. Vol. 2, No. 2, Desember, 2021.
- Lalu Husni, *Hukum Ketenagakerjaan Indonesia*, Raja Grafindo Persada, Jakarta, 2010.
- Maimun, *Hukum Ketenagakerjaan Suatu Pengantar*, Pradnya Paramita, Jakarta, 2007.
- Malayu Hasibuan, *Dasar-Dasar Hukum Ketenagakerjaan*, Bumi Aksara, Jakarta, 2006.
- Marwati Riza, *Perlindungan Hukum Pekerja Migran Indonesia di Luar Negeri*, As Publishing, Makassar, 2009.
- Masrudi Muchtar, *Debt collector Dalam Optik Kebijakan Hukum Pidana*, Aswaja Presindo, Yogyakarta, 2013.
- Rinus Pantouw, *Hak Tagih Faktor Atas Piutang Dagang*, Kencana Prenada Media Group, Jakarta, 2006.
- Sitanggang, Pengaruh Struktur Ekonomi Pada Penyerapan Tenaga Kerja Sektor: Analisis Model Demometrik Di 30 Propinsi Pada 9 Sektor Di Indonesia, *Jurnal Ilmu Hukum Tambun Bungai*, Vol. 7, No. 1, Maret, 2022.

Conflict of Interest Statement: The author(s) declares that research was conducted in the absence of any commercial or financial relationship that could be construed as a potential conflict of interest,

Copyright: © AUTHOR. This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License. (CC-BY NC), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

TATOHI: *Jurnal Ilmu Hukum* is an open access and peer-reviewed journal published by Faculty of Law, Universitas Pattimura, Ambon, Indonesia.

