



The Position of Interns In Labor Law: Rights And Obligations

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Abstract: The increasing prevalence of internship programs in Indonesia has led to renewed focus on the legal status, rights, and obligations of interns within the national labor law framework. This study employs a normative juridical method using statute and conceptual approaches to analyze the regulatory landscape governing internships. Interns occupy a unique legal position that distinguishes them from formal workers or employees, especially concerning their contractual arrangements, remuneration, and access to legal protections. Although internship programs are intended to equip participants with workplace skills and experience, they may also give rise to legal ambiguities and risks of exploitation due to unclear employment status and the absence of enforceable labor rights. This research emphasizes the importance of clear regulatory frameworks and binding agreements to ensure that interns receive appropriate training, protection, and recognition while fulfilling their obligations within host organizations. Strengthening legal norms can provide better safeguards and legal certainty for all parties involved.

Keyword: Internship, Labor Law, Legal Status, Intern Rights, Indonesia, Labor Protection, Legal Obligations.

INTRODUCTION

The growing number of apprenticeship programs in Indonesia is closely tied to the workforce's changing expectations and initiatives to increase the competency of higher education graduates. With industrial growth and an increasingly competitive labor market scenario, several sectors, both public and private, have begun to promote apprenticeship programs as a solution for closing the education-to-work gap.¹ The Republic of Indonesia's Coordinating Ministry for Political and Security Affairs stated that apprenticeships are an alternative approach for lowering open unemployment among recent graduates, particularly those with higher education but no relevant work experience.²

The internship program is primarily intended to serve as a practical job training platform in the workplace, with the goal of honing interns' technical and soft abilities. Article

¹ Kansha Dianita Pramesti, Nur Indah Meisya, Rizki Amrillah. (2024). Relevansi Lulusan Perguruan Tinggi dengan Dunia Kerja. *An Najah (Jurnal Pendidikan dan Sosial Agama)*, 03 (04), 236 – 243.

² Kementerian Koordinator Bidang Politik dan Keamanan Republik Indonesia, <https://polkam.go.id/pemagangan-cara-pemerintah-kebut-peningkatan-daya-saing-tenaga-kerja/> accessed 20 June 2025

1 of the Minister of Manpower Regulation Number 6 of 2020 concerning the Implementation of Domestic Internships defines internships as part of a work training system that is organized in an integrated manner between training at a training institution and working directly under the guidance and supervision of instructors or more experienced workers in the company in order to master specific skills or expertise.³ In this setting, internship programs allow students or recent graduates to obtain firsthand experience with the dynamics of professional work, gain contextual learning, and build networks of relationships that will be useful for future career growth.

Internship programs provide considerable benefits to students. One of the primary advantages is that they provide a platform for applying theoretical knowledge gained during lectures in a real-world professional setting. To achieve a proper match between education and the industrial environment, outstanding human resources must be produced. This needs a thorough understanding of sociocultural processes.⁴ Furthermore, internship experience can boost graduates' self-esteem, communication skills, and competitiveness when they enter the job market. According to a survey conducted by the International Labour Organization (ILO), students with internship experience have more job chances than those without such experience. In the long run, this initiative can help to improve the quality of Indonesian human resources, making them more flexible to industrial and technological advances.⁵

Internship programs are critical for colleges as they implement the Independent Learning-Independent Campus Curriculum, which was launched by the Ministry of Education, Culture, Research, and Technology. This initiative allows higher education institutions to boost engagement with businesses and industry, provide access to off-campus learning, and improve the curriculum's relevance to real-world demands.⁶ Internships are also an important factor in study program accreditation and the creation of tracer studies for graduates. Interns can be used to scout possible employees for a firm or industry. This program allows businesses to undertake preliminary assessments of potential employees' abilities, work ethic, and integrity before actively hiring them. Interns can also help to reduce administrative or operational duties in specialized units. Furthermore, participation in internship programs displays a company's social responsibility to youth development and the national educational system.

³ Pasal 1 angka 1 Peraturan Menteri Ketenagakerjaan Nomor 6 Tahun 2020 tentang Penyelenggaraan Pemagangan di Dalam Negeri

⁴ Ni Wayan Rati, Wayan Eka Paramartha, Ni Wayan Eka Widiastini, Gusti Ngurah Sastra Agustika, Komang Sujendra Diputra. *Mengasah Soft skills dan Hard Skills Melalui Program MBKM: Strategi dan Implementasi*. Badung: PT. Nilacakra Publishing House. 2024. Hlm. 2 – 3.

⁵ International Labour Organization, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/%40publ/documents/publication/wcms_853321.pdf, accessed 20 June 2025

⁶ Direktorat Jenderal Pendidikan Tinggi, Riset, dan Teknologi, "Panduan Implementasi MBKM Tahun 2021," Kemendikbudristek RI, 2021.

METHOD

This article adopts a normative legal research methodology, which focuses on examining legal norms, principles, doctrines, and statutory regulations governing the legal position of interns in labor law. Normative legal research (often referred to as doctrinal legal research) is primarily concerned with assessing and interpreting the positive law as it is written, rather than empirical or sociological realities. The objective is to ascertain the legal rights and obligations of interns by critically analyzing existing laws, regulations, and legal doctrines relevant to employment and internship arrangements. Normative legal research seeks to answer legal issues through legal reasoning, by referring to authoritative sources of law, including statutes, regulations, court decisions, and scholarly opinions. It is especially relevant in analyzing legal ambiguity or inconsistency regarding the status of interns, particularly whether they are classified as workers under labor law, and what legal protections are afforded to them.

RESULTS AND DISCUSSION

Internships are primarily designed to improve prospective workers' competencies and prepare them to fulfill labor market demands. Internships bridge the gap between academia and industry by giving participants hands-on experience, technical knowledge, and soft skills that are necessary for employment. Internships are a tool for corporations to identify early talent, while they help students and educational institutions assure curriculum relevance and graduate preparation.⁷ Interns and workers differ legally in terms of the nature of the connection, the form of the agreement, and compensation. While employees join into an employment agreement that includes remuneration (*upah*) for work performed, interns participate under an internship agreement that focuses on training. Interns are paid an allowance (*uang saku*) instead of a salary, and their activities are designed largely for instructional rather than productive purposes.⁸ Interns, unlike employees, do not have full labor protections unless explicitly stated in the internship agreement or the host company's internal policy. However, the lack of clarity in practice has created worries about disguised employment arrangements that abuse interns without their full rights.

Internships frequently entail a tripartite interaction among the intern, the host employer, and the educational institution. In such partnerships, the educational institution often serves as a facilitator or referring body, with the host company providing the training setting. The lack of a clear contract between these three parties might create doubt about liability in circumstances of misconduct, accidents, or breaches of obligation. A proper internship agreement should clarify each party's obligations and responsibilities. The distinction between interns and employees is a fundamental issue that arises while using this paradigm. The main distinction is the legal character of the relationship. Employment connections are governed by a legal agreement that includes salaries, job performance, and subordination, whereas internships are training-oriented and based on an agreement that prioritizes learning objectives. Interns are often paid an allowance or stipend rather than a wage, and they are not eligible to employment benefits unless expressly indicated in the internship agreement or the host company's policy. Despite this conceptual distinction, in practice, many interns are assigned activities comparable to those of permanent employees, raising concerns about disguised employment and possible labor law breaches.

Interns' legal status remains questionable under Indonesian labor law. While the law defines internships as part of job training, it does not specify whether interns are employees or a separate group of workers. According to Article 1(2) of Law No. 13 of 2003, an employee is defined as anyone who works for wages or other compensation under the supervision of an

⁷ ILO, *op.cit*, page 3

⁸ Soekanto dan S. Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Press. 2014. Hlm. 10-12

employer. Interns do not meet this description because they are not paid and do not perform productive work for a profit. This puts them in a legal grey area where the protections granted to formal workers may not apply.

The intern's relationship with the host company and, if relevant, the educational institution is triangular in form. Educational institutions may refer students for internships or function as mediators to facilitate placements, but the intern and the firm have a main legal relationship established through an internship agreement. The absence of unambiguous tripartite agreements can cause misunderstanding about liability, particularly in circumstances involving harm, violation of contract, or misconduct. Ministerial Regulation No. 6 of 2020 requires that internships be institutionalized through a written agreement that details the training plan, rights and obligations, stipend amount, working hours, and safety precautions. This agreement serves as the foundation of legal protection for interns and must be completed prior to the start of the program.

Interns, despite not being full-fledged employees, are entitled to some regulatory privileges. One such right is to get relevant supervision and training that is connected with the internship's learning objectives. The internship must be instructive in nature, rather than exploitative through unpaid labor. Interns have the right to be paid allowances or stipends, as well as other benefits like as meals or transportation, as specified in the agreement. The quantity and form of this allowance are not uniformly regulated, resulting in discrepancies and discriminatory treatment. Nonetheless, these incentives are critical to ensuring that the internship remains available to students from all socioeconomic levels. In addition, interns are entitled to occupational health and safety measures under Article 86 of Law No. 13 of 2003. They must be given proper training and personal safety equipment, particularly while working in situations with physical or chemical risks. Another important right is the right to earn a certificate of completion, which formally acknowledges their involvement and abilities gained. Such certification is important for job-seeking graduates since it demonstrates validated practical experience. Interns have the right to fair working hours and enough rest. The regulation states that interns should not be expected to work beyond normal working hours and are not entitled for overtime unless expressly agreed upon. Any departure may result in labor law breaches.

Along with rights, interns have obligations under the internship program. They are required to comply with the internship agreement and to engage actively in the training program. Professionalism, timeliness, and active participation are key requirements. Interns must also follow company guidelines, such as workplace standards, reporting lines, and ethical codes. Furthermore, interns must protect the confidentiality of sensitive data and internal firm information obtained during their placement. Breach of this commitment may result in disciplinary action or legal penalties, especially if it contains trade secrets or private information. Furthermore, interns must complete given activities relating to their training scope diligently. Failure to fulfill these commitments may result in legal and academic penalties. Host companies may terminate the internship, refuse to issue completion certificates, or report wrongdoing to the referring university. However, any disciplinary action must be proportional and explicitly outlined in the agreement. It is critical that interns receive thorough orientation at the start of the program so that they understand their responsibilities and potential liabilities.

CONCLUSION

In summary, while Indonesia has established a basic legislative framework for internships, substantial loopholes exist in terms of enforcement and status clarity. Interns have a perilous legal situation because to their uncertain classification and restricted access to labor safeguards. Strengthening interns' legal standing, enforcing compliance with internship agreements, and ensuring that internships remain focused on training rather than labor

substitution are all critical elements toward creating a fair, egalitarian, and educational internship system.

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