



Fulfillment of workers' rights in the perspective of the job creation law

Junaidi Lubis¹, Muhammad Koginta Lubis², Haris Dermawan³, Sri Banun³

¹ Faculty of Law and Education, Battuta University, Medan, Indonesia

² Lecturer, Faculty of Law and Education, Battuta University, Medan, Indonesia

³ Lecturer, Faculty of Law University Deztron Indonesia, Medan, Indonesia

Abstract

Regulations on employee rights in Law Number 11 of 2020 and to examine the impact of Law Number 11 of 2020 on the protection of employee rights. The results of the study show that the regulation on workers' rights in the Job Creation Law (UU Ciptaker) still faces problems, especially related to legal uncertainty in the protection of workers' rights, which include fair wages and the appropriateness of severance pay. In terms of protecting workers' rights, the Ciptaker Law tends to prioritize the interests of employers, which can have an impact on unilateral termination of employment. "The Job Creation Law seems to dampen workers' rights and encourages 'economic reasons. I think this economic reason is the reason because the formulation of Article 35 of the UUD and the RIS Law and the 1950 UUDS still discuss the economy as a joint effort in the context of involving workers as an important part. And when that was eliminated I think it became a very big problem.

Keywords: Fulfillment of rights, workers, job creation law

Introduction

In the Job Creation Law, the increase in the minimum wage has been regulated by considering inflation, economic development, and a specific index. Workers feel disadvantaged because of the index set by the Government. In 2020, 2021, and 2022, in reality in the field there was no increase in wages determined by the Government. In 2020, 2021, and 2022, there was no increase in the minimum wage for workers. This indicates that the Job Creation Law has failed to protect the rights of workers. The Job Creation Law and its related regulations have resulted in the emergence of many contract workers with very short durations, which often occur repeatedly for years. He argued that this is different from the Constitutional Court's decision which stipulates a clear time limit and type of work. In this law, workers who have contracts can be fired at any time, although the contract period should be four years, the contract can be terminated after three years on the grounds that the work has been completed. This is also regulated in the Job Creation Law and its derivative regulations. Furthermore, with the implementation of this contract system, many workers are forced to accept unfavorable conditions with low salaries. They have to deal with these conditions and often receive wages that are even below the minimum wage standard. (Argawati, 2025)^[1]

Law No. 11 of 2020 is an evaporation of regulations that integrate various different legal directives into one legal umbrella. This shows that Law No. 11 of 2020 has combined a number of regulations into one unit, including the Tax Law, the Manpower Law, the Forestry Law, the Environmental Law, the Water Zoning Law, and the Micro and Small Business Empowerment Law, as well as several other regulations not mentioned here. The government has a view in supporting the ratification of Law No. 11 of 2020 by considering the increasingly severe decline in the Indonesian economy. (Wijaya, 2024)^[10]

In addition, the implementation of Law No. 11 of 2020 is rejected by the majority of Indonesian people who have diverse legal views. Each group in society, such as

academics, workers, students, teachers, and clerics, has a different point of view. However, all of these groups have the same goal, namely to reject Law No. 11 of 2020, especially regarding regulations regarding the protection of workers' rights. All clusters are of the opinion that the contents of the law relating to copyright of works, which discusses guarantees of rights for workers, are considered unfair and do not provide good welfare. According to the views of various clusters, Law No. 11 of 2020 concerning employment only benefits the interests of employers or company owners. (Kementerian Koordinator Bidang Perekonomian Republik Indonesia, 2020)

In accordance with the provisions contained in chapter 6 which discusses labor, there are 4 laws which include the Employment Law, the National Social Security System Law, the Social Security Administering Body Law, and the Indonesian Migrant Workers Protection Law, which focus on various regulations regarding labor, especially related to efforts to protect labor rights.

Research methods

This study utilizes normative research methods to explore non-existent norms, unclear norms, and conflicting norms and how to resolve them. The approaches used in this study are the legislative approach and the conceptual approach. The data obtained include primary legal materials, secondary legal materials, and tertiary legal materials. The analysis technique applied is the interpretation of legal materials.

Discussion

Some discussions related to the main topics of this study include:

1. Fulfillment of Workers' Rights

The implementation of the Job Creation Law, approved by the President, modifies several articles of the Employment Law. Formally, the Job Creation Bill has undergone processing within the executive branch to move forward with joint discussions with the legislative body. (Sahim Matompo, 2023)^[8] As for example, article 59 of

Constitution Employment that regulates about Fixed Term Employment Agreement (PKWT) has experienced change through Job Creation Law . In the beginning, provisions the set that maximum PKWT duration is two years and can extended one time with period No more from One year . (Zubi, 2021)^[11]

Provision This obligatory businessman for give compensation to PKWT employees, who previously set up in article 62 of the Manpower Law. However, in chapter said, the entrepreneur only required pay compensation if one of them party end contract Work before the time that has passed agreed in agreement Work time certain. or termination connection Work No caused by the provisions set out in Article 61 paragraph (1) of the Manpower Law.

Job Creation Law extends working hours duration previous overtime maximum 3 hours per day and 14 hours per week to 4 hours per day and 18 hours per week. The rules about time Work overtime set up in article 78 of the Job Creation Law such as following:

- a. Employers who recruit employee beyond the set working hours in Article 77 article (2) is required For fulfil provision following:
 1. There is an agreement from employee or the employee concerned
 2. Overtime no may more from 4 (four) hours in One days and 18 (eight twelve) hours in One Sunday.
- b. If the entrepreneur employ employee exceed time Work as mentioned in paragraph (1), they must pay wages overtime.
- c. Policy time Work overtime as referred to in paragraph (1) letter b does not applicable for type work or industry certain.
- d. Government regulations regulate time and wages Work overtime.

Wage regulation is influenced by changes to Article 88 of the Manpower Law. To achieve decent wages for humanity, manpower emphasizes labor rights policies.

2. Protection of Workers' Rights

Protection power Work refers to the recognition rights workers and laborers as individual who must treated in a way humane . Considering limitations his physical . For ensure rights the For get decent work and income, there is also the principles used in protection power Work . Law no. 13 of 2003 concerning Employment arrange various principles, including : (M. Harahap, 2020).

- a. Give protection to power Work in realize welfare is one of the objective development employment (Article 4 letter c).
- b. Every worker has an equal opportunity to get a job.
- c. Every worker/laborer has the right to receive equal treatment without discrimination from the employer (Article 6).
- d. Everyone develops work competencies according to their talents, interests and abilities through work training (Article 11)
- e. According to Article 12 Paragraph 3, every employee has the same opportunity to take part in job training that is appropriate to their job.
- f. Every worker has the same rights and opportunities to choose, obtain, or change jobs and earn a decent income, both at home and abroad.

- g. Every worker has the right to occupational safety and health, morals and decency, and treatment in accordance with human dignity and religious values.
- h. Every employee has the right to an income that meets a decent standard of living for humans.
- i. According to Article 99 Paragraph 1, every worker and their family members have the right to labor social security.
- j. According to Article 104 Paragraph 1, every worker or laborer has the right to form and join a workers' union or labor union.

The main principle in terms of legal protection for workers is occupational safety and health. Without both, workers and laborers will not be able to obtain decent work and income. Although there are many regulations related to labor protection, only a few will be discussed here. (Azhar, 2015)^[2]

The establishment of labor law is based on the idea that it will provide social justice in employment relations between parties who have differences and similarities and provide protection for the weak. What is meant by "equality" is that all creatures are created by God with the same degree. Furthermore, they differ in terms of socio-economic status, where they earn income by working for employers or entrepreneurs.

By providing protection to workers or laborers from employers or entrepreneurs against unlimited power, the law can be used to achieve the goal of social justice in employment. Because Indonesia is a country of law, its people really need legal protection to obtain legal certainty and justice so that society prospers. There are two ways to realize the path of the law: just law enforcement and protection of human rights. Building nation is very important thing for the country to do it. (dkk, 2024).

3. Legal Certainty of Workers' Rights

In the 1945 Constitution, Article 28D paragraph 1 states that every citizen of the Republic of Indonesia has the right to recognition, guarantee, protection, and certainty of fair law and equal treatment before the law. In the above conditions, the ideal manifestation is the formulation of norms, not just statements. (Kelsen, 2007)^[4]

Legal certainty refers to the application of clear, fixed, and consistent laws, and their consequences that cannot be changed by subjective circumstances. In addition, justice is not only a moral requirement but a legal fact; an uncertain law is also unwilling to be fair, not just a bad law.

The ratification of Law Number 10 of 2020 concerning Job Creation, also known as the Omnibus Law, has been controversial since the beginning of the draft law because it is a new law in Indonesia, how could it not be, this omnibus law sweeps away dozens of laws.

Because Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation amends and removes Article 59 of Law 13 of 20023, the author is of the opinion that there is no legal certainty.

for workers who work with a Fixed Term Employment Agreement (PKWT), because it is unclear how Article 59 of the Job Creation Law no longer regulates the procedures, extensions, and renewals of PKWT, as well as its maximum period, and the types of work that can be given to employers.

Paragraph 4 of Article 59 of the Job Creation Law states that a number of matter will set up in Government Regulation. So, if government No lower protection worker Fixed Term Employment Agreement (PKWT), why? rule in Article 59 of the Law Number 13 of 2003 concerning Employment deleted and some changed. (Satria Adhi Prana, 2022)^[9].

4. Consequence Constitution Job Creation on Workers' Rights

There are three types of relationships known based on the theory of employer-employee relations. The first is a harmonious employer-employee relationship pattern; the second is a hostile employer-employee relationship pattern. Stable work because both parties do not have legal freedom that is constrained by repressive laws by the authorities. The disputing parties must end the dispute in a peaceful manner and are prohibited from using coercion; this also applies to disharmonious relationships. (Kumara Yoga, 2014)^[6]

The normative problem that corners the substance of the Job Creation Law because its implementation requires protection of workers' rights and the occupation of workers as parties exploited by businesses because the basic philosophy underlying the enforcement of Law No. 11 of 2020 meets investment thinking standards.

The main objective of Law Number 11 of 2020 is to attract investors to help the economic recovery from the COVID-19 pandemic. Thus, it was officially established on the basis of the principle of investment. Many community groups oppose this perspective, as well as the concept and philosophy of the Ciptaker Law, which emphasizes the ratio as the basis of a liberal economy. legis because the law was made because of many normative problems that cram the contents of the Ciptaker Law, resulting in the severance of basic economic rights of employees, which shows that the Ciptaker Law is more beneficial to companies.

This shows that the Job Creation Law largely regulates labor based on the goal of attracting economic investors rather than developing human resources. Therefore, when we look at the provisions that have been changed and removed, the Job Creation Law does not actually regulate the improvement of human resource capabilities. On the contrary, its provisions will marginalize and marginalize employees. Regulations related to labor rights are contrary to the wishes of investors and the economy. This is contrary with Pancasila industrial relations, which stipulates that protection laborer is task government.

According to the 1945 Constitution of the Republic of Indonesia, the Indonesian economy is based on togetherness and family to make the people prosperous. According to Article 33 (1) of the 1945 Constitution of the Republic of Indonesia, the economy is built on the basis of cooperation based on the principle of family. In addition, Article 33 paragraph (2) of the 1945 Constitution of the Republic of Indonesia regulates industries that are very important for the state and control the lives of the people. Furthermore, Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia regulates the earth, water, and natural resources contained in the archipelago which are held by the State and used as a whole to build a prosperous and prosperous society.

In addition, it can also be said that the Indonesian economic system must always be guided by Article 33 of the 1945 Constitution of the Republic of Indonesia which must be supported by the *Philosophische Grondslag*, Pancasila Sila I, Belief in one God. So that values religious spiritualistic

transcendental No may ignored in arrangement economy national Indonesian nation . Point support solution problems of Law no. 11 of 2020 harvest debates that demand that the regulation labor in Indonesia is returned to the essence of Pancasila as guidelines containing spiritual and religious values in frame the achievement of the Indonesian people prosperous.

Conclusions

Fulfillment as well as arrangement rights worker in the Job Creation Law Still face problem usual, like uncertainty law about protection rights workers who include decent wages and appropriate severance pay. In the case of right guarantee to right workers, Job Creation Law only notice interest entrepreneurs, who can cause termination connection work. Concept philosophical Law No. 11 of 2020 then influenced by the spirit liberal economy that becomes base from Constitution said, and because that, many people reject it.

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