LEGAL PROTECTION FOR WORKERS FACING TERMINATION IN THE ERA OF DISRUPTION IN SEMARANG CITY

Hono Sejati

ABSTRACT

This article discusses the shortcomings in the implementation of legal protection for workers who have been laid off in Semarang and proposes a reconstruction of legal protection for dismissed workers based on principles of justice. The reconstruction is focused on: (1) Article 182 of Law No. 2 of 2004 regarding lawsuits filed by workers over termination of employment as outlined in Articles 159 and 171 of Law No. 13 of 2003 on Manpower. The current regulation, which allows for lawsuits to be filed only within one year of receiving the employer's decision, should be revised to allow workers to file claims within three months. Additionally, termination by the employer should first be subject to a ruling by a labor dispute resolution body, preventing arbitrary decisions by employers. The trial process is time-consuming, and it would be beneficial for employers to expedite legal proceedings so they can focus on their business operations, while workers would benefit from a quicker resolution of their dismissal, allowing them to search for new employment opportunities sooner.

Keywords*:* Legal protection, layoffs, labor, justice

INTRODUCTION

Basic labor rights are fundamental rights that cover, among other things, the right to equal opportunities for employment and access to specific positions (non-discrimination), the right to organize, the right to obtain decent work, and so on. Various labor issues can arise when basic and normative labor rights are not guaranteed, as well as due to workplace discrimination, which leads to conflicts concerning low wages, health insurance, workplace safety, pension benefits, company-provided facilities, and termination of employment (layoffs).

The legal aspects of labor must be in harmony with the rapid changes in the current labor market. As a result, the focus of labor law studies has shifted from merely regulating employment relationships to addressing legal relations between workers, employers, and the government. The scope now extends beyond regulating the legal aspects of work during employment to also addressing issues after employment has ended. Labor issues often lead to disputes between workers and employers, which are difficult to prevent. These disputes may arise from rationalization due to automation, production efficiency measures, or different interpretations of legal provisions. For instance, workers may demand a 50% wage increase to ensure a decent standard of living or request health benefits for their families, or contest unilateral termination of employment.

Based on data from the Indonesian Labor Data Center, the number of layoffs and affected workers over the last three years in 33 provinces in Indonesia is presented in Table 1 below.

Table 1. Workforce Layoffs Based on Education and Gender

Pulau	Penduduk Bekerja (A)			Penganggur Terbuka (B)			Bukan Angkatan Kerja (C)		
	Jenis Kelamin		Jumlah	Jenis Kelamin		Jumlah	Jenis Kelamin		Jumlah
	Laki-laki	Perem-puan		Laki-laki	Perem-puan		Laki-laki	Perem-puan	
Sumatera	106.569	35.097	141.666	78.814	46.160	124.974	7.398	12.837	20.235
Jawa	505.521	152.363	657.884	461.807	231.042	692.849	38.367	69.671	108.038
Bali dan Nusa Tenggara	39.369	14.485	53.854	27.610	14.569	42.179	4.235	4.459	8.694
Kalimantan	36.130	8.029	44.159	25.446	12.453	37.899	3.065	3.149	6.214
Sulawesi	23.418	8.097	31.515	19.914	12.175	32.089	4.153	3.512	7.665
Maluku dan Papua	7.305	2.637	9.942	2.291	1.517	3.808	1.555	550	2.105
Jumlah	**718.312**	**220.708**	**939.020**	**615.882**	**317.916**	**933.798**	**58.773**	**94.178**	**152.951**

Table 1, as shown in Table 7.37, reveals that approximately 76.50 percent of workers who have been laid off and have found new employment (Category A) are male, while the remaining 23.50 percent are female. Men, as the primary breadwinners in families, bear a greater responsibility to meet their family's daily needs, thus they are compelled to seek new employment immediately after being laid off.

On the other hand, among the total number of laid-off workers who are still unemployed (Category B), the majority are male, accounting for approximately 65.95 percent, while 34.05 percent are female. Furthermore, of the 16.17 percent of laid-off workers who have chosen to exit the labor market (Category C), the majority are female, constituting around 61.57 percent, while

38.43 percent are male. The departure of women from the workforce during the current pandemic is attributed to their decision to allocate more time to household duties and to accompany their children during remote learning.

The settlement of dismissal disputes through deliberation and consensus, as recommended, involves two parties: employers and workers, ensuring that the dispute is resolved fairly. However, the expected fairness is often thwarted by the classic issues caused by employers, who tend to disregard the agreed terms. This is often due to a lack of transparency, or the increasing prevalence of corruption, collusion, and nepotism (KKN), undermining the neutrality that is supposed to prevail.

The mechanism for obtaining layoff approval, which is intended as a final safeguard for protecting workers, seldom rejects requests. This stage appears to be a mere formality to discuss severance pay without thoroughly reviewing the reasons for dismissal. This phenomenon does not indicate a failure of the system at a conceptual or institutional level, but rather a failure in its implementation. Therefore, the implementation of layoffs needs to be reformed. Layoffs should only be carried out by employers once an official decision has been made by the Industrial Relations Dispute Settlement Institution. Another aspect that requires attention is dismissals due to criminal acts (serious offenses), such as theft, terrorism, or other offenses. In previous labor regulations, dismissals for such offenses still required approval from the Industrial Relations Dispute Settlement Institution. These criminal acts refer to serious offenses within the scope of criminal law. Thus, before a layoff is executed, a final and binding court decision (incracht van bewijs) must be in place, in accordance with the presumption of innocence principle.

However, under current labor regulations, layoffs for workers involved in criminal activities or serious offenses can be carried out directly by the employer, provided that the employee is caught in the act, or there is an admission or evidence in the form of an incident report supported by at least two witnesses. Layoffs can also occur due to contractual employment arrangements. Employers favor this method as it does not require severance pay. If the contract employment relationship is terminated prematurely, layoff approval is still required. In such cases, one party must compensate for the remaining work period.

Regarding the number of laid-off workers, two types of layoffs exist: individual layoffs and mass layoffs. Individual layoffs occur when an employer terminates the employment of fewer than nine workers. Mass layoffs, on the other hand, involve the termination of nine or more workers. According to Law No. 2 of 2004, in the case of mass layoffs, both parties are required to seek resolution through bipartite negotiations. Before resorting to other measures, both the employer and the workers or the trade union within the company must exhaust all efforts to avoid layoffs. Litigation in court typically takes a long time and is exhausting, starting from the District Court, moving to the High Court, and potentially reaching the Supreme Court. This process also incurs substantial costs and can strain the relationship between the parties involved.

In addition to formal judicial institutions, there are other dispute resolution mechanisms based on mutual agreement (compromise, negotiation), or involving a third party as a mediator, conciliator, or in the form of arbitration. This form is known as Alternative Dispute Resolution (ADR). In carrying out its functions, formal judicial institutions have faced significant criticism due to inherent weaknesses in the judicial system. This has led to an increasing avoidance of dispute resolution through the courts, shifting from litigation to non-litigation methods. This situation is not unique to the courts in Indonesia, but is a global phenomenon affecting both Western and Eastern countries.

In developing countries, the judiciary is sometimes perceived as biased toward individuals with high social status and large entrepreneurs (social stratification). In some nations, courts are even seen as corrupt, with their decisions often favoring the powerful, thus resulting in injustice. The independence of the judiciary is often questioned. As B. Arief Sidharta noted, political power actions, especially during the New Order era, were often disguised as written positive laws that met all formal requirements. Lawmaking was cleverly engineered and then enforced, with military support. The law was applied when it benefited the rulers and facilitated the fulfillment of their duties, while laws were disregarded when they hindered or complicated the rulers. The administration of law was also marked by the extensive and unchecked use of discretionary authority by the ruling powers and direct intervention by the executive (political rulers) in the judicial process. Such interference sometimes led to sham trials.

In addressing industrial relations disputes, current labor issues cannot rely solely on the formal judicial system. Alternative solutions, including negotiation, mediation, conciliation, arbitration, and Industrial Relations Courts, must also be explored. To address the weaknesses of dispute resolution through Industrial Relations Courts, many countries have developed dispute resolution models known as Alternative Dispute Resolution (ADR). Public support for alternative dispute resolution has grown due to dissatisfaction with the perceived corruption in formal courts. In the United States, various alternative dispute resolution models, such as arbitration, negotiation, mediation, and conciliation, have been developed, and each state has mediation centers to address various issues.

In Indonesia, alternative dispute resolution has been incorporated into positive law. This includes legislative frameworks like Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution. In the labor sector, Law No. 2 of 2004 on Industrial Relations Dispute Resolution provides significant space for applying alternative dispute resolution through arbitration, bipartite negotiation, mediation, conciliation, or Industrial Relations Courts for disputing parties.

In Indonesian culture, deliberation (musyawarah) is seen as an effective and more efficient method of dispute resolution compared to court proceedings. This method has been known since before Indonesia's independence. In industrial relations, resolving disputes through deliberation can prevent or at least reduce the intensity of labor conflicts. In cases of disputes, peaceful resolution should be pursued, though forced mechanisms may still be considered if necessary. This is emphasized in Law No. 2 of 2004, which mandates that parties must attempt to resolve disputes through bipartite negotiations before exploring other avenues.

Regarding regional autonomy, as outlined in Article 14, Paragraph (1) Letter h of Law No. 32 of 2004, labor issues in districts and cities are under the jurisdiction of local governments, including labor services. Labor regulations at the regional level must align with national and international legal standards based on democratic principles. Similarly, when resolving industrial relations disputes, particularly regarding layoffs, the mediator should be from the local Department of Labor and Transmigration, ensuring the solution fits the local conditions and businesses in that district or city. The resolution must also comply with applicable national and international law. The concept of regional autonomy, in this context, must accommodate local values while aligning with both national and international labor laws, especially in the resolution of industrial relations disputes such as termination of employment.

Based on the above discussions, further research on the reconstruction of labor protection in termination disputes, particularly concerning contract workers who have been laid off in Semarang, is necessary. The research questions would be as

follows: (1) What weaknesses arise in the implementation of legal protection for contract workers affected by layoffs in Semarang? (2) How can the reconstruction of legal protection for workers affected by layoffs in Semarang be based on principles of justice?

DISCUSSION

In every step of dispute resolution, there are almost always several obstacles that hinder the progress of mediation. Mediators, in their role of resolving industrial relations disputes, encounter challenges arising both from the Social Affairs, Manpower, and Transmigration Department itself, as well as from the company and the workforce.

> "According to the Industrial Relations Dispute Resolution Section, one of the challenges arises from the parties involved in the dispute, particularly when the summoned party fails to attend the scheduled mediation session. This causes the dispute resolution process to exceed the legal time limits stipulated by law."

According to the Head of the Social Affairs, Manpower, and Transmigration Office of Semarang Regency, in an interview on June 17, 2021, the challenges faced by mediators are not considered major issues. What is important is that we always strive to resolve them as best as we can. There may be obstacles such as the limited size and facilities of the available mediation room, as there is only one room, while up to three cases can be scheduled in a single day. This clearly impedes the mediation process. The Human Resources (HR) aspect of workers can also affect the mediation process. In some cases, workers refuse to accept advice from mediators, even when it is in accordance with the law. From the employer's side, a common issue is the location of the business, with many employers residing overseas or in other cities, making it difficult to allocate time for the mediation process. Additionally, even when personnel managers are authorized to act, their authority is often limited, requiring them to repeatedly wait for decisions from higher management.

Obstacles also arise when a company sends an authorized representative to handle disputes with workers, but this representative is not empowered to make decisions during the mediation session. In some cases, the representative disregards or neglects the mediation process. This can be observed in companies where the authorized official does not attend, and a proxy is sent, leaving the representative to struggle with the mediation. An example of this can be seen in the mediation session for the PT Golden case with Tri Warsih, where the company representative could not make a decision regarding the acceptance or rejection of a collective agreement and had to consult with the company leader first.

> "We expect that the company's leader should attend the mediation session directly so that an agreement can be reached more effectively. Alternatively, if a company representative is sent, they should be given full authority to determine the next steps. For instance, when asked whether they agree to the collective agreement, the representative requested time to consult with their superior. This obviously delays the process."

Based on the researcher's observations, the Social, Manpower, and Transmigration Office of Semarang Regency has only one mediation room available for dispute resolution, despite the fact that mediation hearings are conducted daily, with as many as three cases being handled on a single day. On June 13, 2021, the researcher observed three (3) dispute cases. Two of the mediation hearings were held in the mediator's office and in the office of the Head of the Industrial Relations and Labor Supervision Division, as the mediation room was already in use.

> "The lack of available mediation rooms is a significant challenge for us. When the room is occupied for another mediation session, and there are no alternative rooms available, we are forced to either wait for the room to become available or reschedule the session."

In addition to this logistical challenge, there is also difficulty in negotiating with parties who are unwilling to compromise, as they remain firm in their respective positions. As a result, the mediator often faces challenges in reaching an agreement between both parties. This sometimes leads to the rejection of agreements, forcing the mediator to issue a written recommendation. The mediator's goal is to resolve the dispute through mediation and to have the resulting agreement formalized in a joint agreement.

This challenge was evident during the researcher's observation of a mediation session, where the worker refused to accept the severance pay offered by the company, despite the implementation of the "half-room" technique, and even though the company was willing to increase the severance pay. The worker, however, remained adamant, leading to the failure of the mediation, with the mediator issuing a written recommendation.

> "In addition to these challenges posed by the parties involved, mediators also face difficulties arising from the legal framework. According to Law No. 2 of 2004, mediators are rendered powerless, as they do not have the authority to enforce compliance from parties who reject the mediator's recommendations. Furthermore, they are unable to pursue further dispute resolution through the Industrial Relations Court to ensure that the recommendations are followed and implemented."

> "Semarang Regency has a workforce of 89,062 workers, which underscores the challenges mediators face when handling disputes. This is further compounded by the limited number of mediators at the Social, Manpower, and Transmigration Office, which currently employs only six mediators, despite a heavy workload. This, too, presents a significant challenge for us."

Barriers faced by mediators are influenced by several factors, including:

1. The facilities and infrastructure for conducting mediation sessions;
2. The conflicting parties themselves;
3. The mediator;
4. The laws and regulations.

The primary weakness of the labor law system lies in the substance of the law itself. The substance of labor law refers to the regulations and statutes governing labor relations. There must be coherence in these regulations, including vertical and horizontal synchronization between various labor law provisions. This alignment must be grounded in the layers of legal theory, ensuring consistency between legal rules, legal theory, and legal philosophy.

Regarding the first issue, the condition of Indonesian labor regulations still contains inconsistencies. There are labor laws that exhibit inconsistency, both vertically (between lower and higher regulations) and horizontally (between regulations of equal hierarchical status). For example, the regulations regarding the minimum wage, the duality of labor relations rules, the regulation of termination of employment, and the lack of distinction between individual employment law, collective labor law, and social security law.

There is a vertical inconsistency in the regulation of the minimum wage. Protection for workers' wages is based on Article 27, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to work and to earn a decent living. It is further elaborated in Article 28D, Paragraph (2) of the 1945 Constitution, which stipulates that every person has the right to work and receive fair and decent treatment in employment. The elaboration of fair and decent wages in labor relations is defined as a salary that meets human dignity (Article 88, Paragraph (1)).

In Law No. 13 of 2003, wages are defined as the right of workers to receive compensation, expressed in the form of money, from employers or contractors as a reward for work performed. These wages are determined and paid according to a work agreement, a mutual understanding, or legal regulations, including benefits for the worker and their family for services already rendered or to be performed (Article 1, Paragraph 30 of Law No. 13 of 2003). However, this provision is not further detailed in implementing regulations. The minimum wage is determined based on the decent living standard (KHL). KHL refers to the standard of living for a single worker to meet their basic physical needs for one month (Article 1, Paragraph 1 of Minister of Manpower and Transmigration Regulation No. 13 of 2012 concerning Components and Stages of the Decent Living Standard). This vertical inconsistency also leads to violations of legal theories on fair wages. According to Article 3 of ILO Convention No. 131:

The factors to be considered in determining the minimum wage levels should, to the extent possible and relevant to national practices and conditions, include:
(a) the needs of workers and their families, considering the general wage levels in the country, the cost of living, social security benefits, and the relative living standards of other social groups;
(b) economic factors, including the requirements for economic development, productivity levels, and the goal of achieving and sustaining a high level of employment.

If a legal rule contradicts a legal theory that is universally acknowledged, it is likely that the underlying philosophy has been violated. The fair remuneration of workers has yet to be achieved. Mismanagement of minimum wage regulations within the domains of legal dogmatics, legal theory, and legal philosophy has led to one of the key national demands from labor unions: "reject low wages."

The second weakness in a legal system lies in its structure. According to Lawrence Meir Friedman's theory, it is the structural system that determines whether or not the law can be properly enforced. Under Law No. 8 of 1981, the legal structure includes the Police, Prosecutor's Office, Courts, and Correctional Facilities (Prisons). The authority of law enforcement agencies is guaranteed by law, ensuring that they can perform their duties and responsibilities free from the influence of government power or external factors. There is a well-known adage, "Fiat justitia, ruat caelum," which translates to "Let justice be done though the heavens fall," signifying that the law must be upheld regardless of circumstances. However, the law cannot be effectively implemented without credible, competent, and independent law enforcement officers. No matter how good the legislation is, if it is not supported by effective law enforcement, justice remains a mere aspiration.

The weakness of law enforcement officers' mentality results in the ineffective implementation of the law. Many factors contribute to this weakness, including poor understanding of religious values, economic struggles, and a lack of transparency in the recruitment process, among others. Therefore, it is clear that the role of law enforcement plays a critical part in ensuring the function of the law. If regulations are good but the law enforcement quality is poor, problems will arise. Conversely, even if the regulations are poor, the existence of competent law enforcement can still mitigate issues.

The third weakness in a legal system is legal culture. As Lawrence Meir Friedman's theory suggests, legal culture refers to people's attitudes toward the law and legal systems, including their beliefs, values, thoughts, and expectations. Legal culture is the social atmosphere and social forces that determine how the law is used, avoided, or misused. It is closely related to public legal awareness. The higher the public's legal awareness, the better the legal culture will be, which can change public attitudes toward the law. In simple terms, the level of compliance with the law is an indicator of how well the law functions.

The relationship between the three components of the legal system—substance, structure, and culture—can be likened to the work of a mechanic. The structure is like the machine, the substance is what the machine does or produces, and legal culture determines who decides when to activate or deactivate the machine and how it is used. This analogy is relevant to the Indonesian legal system. The legal sector should therefore be further empowered to facilitate national and community development, as stated by Roscoe Pound, who viewed law as a "tool of social engineering," and by Mochtar Kusumaatmadja, who emphasized law as a "tool of development."

To ensure the law functions as a means of societal transformation toward a better life, it is not enough to have laws in the form of rules or regulations. There must also be guarantees for the implementation of these legal rules in practice, particularly through effective law enforcement. Paradoxes often arise concerning law enforcement, especially judges who acquit corrupt

officials who have stolen large sums of public money or impose light sentences akin to those for petty theft. Moreover, accusations frequently target law enforcement, particularly judges, for allegedly obstructing justice despite strong evidence. This continues to create significant challenges for the legal system.

The core issue with the decline or stagnation of the law is the increasing rarity and value of qualities like honesty, empathy, and dedication in legal practice. Everywhere, moral decay is becoming more prevalent, further burdening society.

On a universal scale, to overcome the legal crisis, society must break free from the shackles of formalistic positivism. If we rely solely on a legalistic-positivist understanding of law based only on written regulations, we will never be able to grasp the essence of truth, justice, and humanity. This liberation and enlightenment can only be achieved by shifting away from conventional practices inherited from the positivist school of thought, with all its formal doctrines and procedures. To achieve this, significant efforts are required to escape from the formal-procedural limitations of the current legal system.

In extraordinary times, when a nation is struggling to emerge from widespread crisis, it is not uncommon for the legal system to be criticized for being incapable of offering viable solutions. Since the early days of reform, numerous laws and regulations have been enacted to address the nation's challenges, creating an environment of hyper-regulation. However, despite the large volume of laws and regulations, both in the institutional and personal realms, order has not been swiftly achieved. The legal system is overwhelmed by the growing challenges it faces, resulting in new problems arising rather than being resolved. This situation has led to the perception that the legal community is slow to respond and is unable to capture the moment for reforming its image. As a result, Indonesia's legal system is often regarded as one of the worst in the world.

The sources of legal discovery or the places where law can be found are legislation, customary law, judicial decisions, and legal doctrines. These sources of legal discovery form a hierarchy. When seeking or discovering the law, the first step is to examine the legislation. If the legislation does not provide an answer, then customary law should be considered. If no provision is found in customary law, judicial decisions should be consulted, and the search continues in this manner.

Once the applicable legal provision has been found, it must be analyzed, interpreted, or explained if its content is unclear. Interpretation may be necessary, or the provision may need to be supplemented if there is a legal gap or incompleteness. In such cases, legal arguments or constructions may be made, and, when required, the formation of legal definitions may be undertaken. Given the complexity of legislation and jurisprudence as sources of legal discovery, they must be carefully analyzed.

Initially, Law No. 12 of 1969 only explicitly regulated the procedure for termination of employment (PHK) by the employer, and this was limited to dismissal due to serious misconduct. However, in Law No. 13 of 2003, the regulation was expanded to include procedures for termination initiated by the employee or worker, in addition to the general procedures for termination, as follows:

a. All parties (employer, employee/worker, trade union) must first make efforts to avoid termination (Article 151 paragraph (1));
b. If termination is unavoidable, the employer and the trade union or employee/worker must engage in negotiations (Article 151 paragraph (2));
c. If the negotiations succeed, a mutual agreement must be reached;
d. If the negotiations fail, the employer may submit a written request to the industrial relations court, including the grounds and reasons for the termination (Article 151 paragraph (3) and Article 152 paragraph (1));
e. Until a ruling is made by the industrial relations dispute resolution body, both parties must continue to fulfill their respective obligations. The employee/worker must continue working, and the employer must continue to pay wages (Article 155 paragraph (2));
f. The employer may deviate from the provision in point e by imposing a suspension on the employee/worker during the termination process, while continuing to pay wages and other benefits typically received by the employee/worker (Article 155 paragraph (3)).

The general procedure for termination of employment can be illustrated in the following diagram:

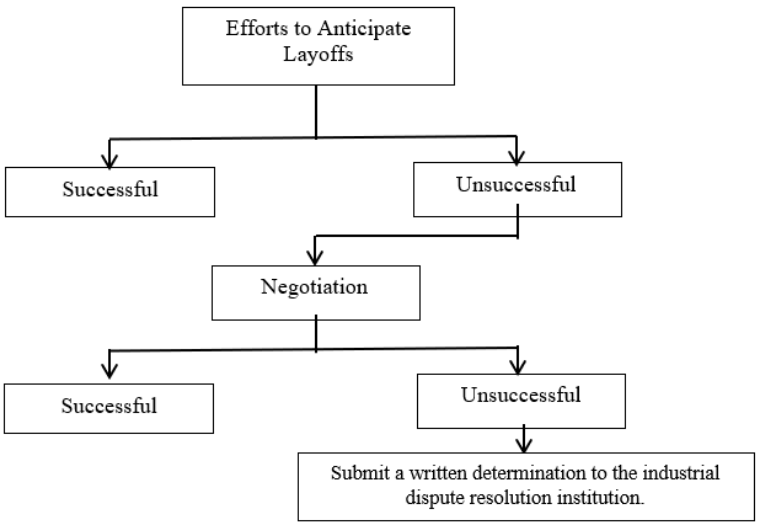

Figure 2. The procedure for termination of employment (layoff) in general

Regarding the handling of mass layoffs due to company conditions such as rationalization, economic recession, and others, it is previously recommended to implement improvements in the following ways:
a. Company improvements through increased efficiency or cost savings, including:

1) Reducing shifts if the company operates under a shift system;
2) Limiting or eliminating overtime to reduce labor costs;
3) If the above measures are ineffective, reducing working hours;
4) Implementing efficiency measures, such as encouraging early retirement for less productive workers;
5) Temporarily furloughing or laying off workers in rotation.

b. If the measures outlined in item "a" fail to improve the company's situation, employers may be forced to proceed with layoffs by:

1) Negotiating and explaining the company's actual situation to the labor union so that workers understand the reasons behind the layoffs;
2) Collaborating with the labor union to determine the number and criteria of workers to be laid off;
3) Discussing the conditions for the layoffs openly and in good faith;
4) Once the layoff conditions are mutually agreed upon, socializing these terms to all workers so they understand the basis for acceptance or rejection of these conditions;
5) Once there is agreement from the workers, establishing a priority for implementing the layoffs in phases;
6) During the layoff process, a mutual agreement should be reached, specifying severance pay and other terms;
7) After completing the aforementioned steps, a recap of the process is conducted as the basis for requesting permission for P4P (Post-Termination Employment) from the local Department of Manpower.

The rights of workers affected by layoffs, as stipulated in Law No. 13 of 2003, are outlined in Table 2 below.

Table 2. The Formulation of Determining Rights for Workers/Employees Affected by Termination of Employment (Layoffs).

No	Seniority	Severance Pay
1	Less than 1 year	1 months' salary
2	1 to 2 years	2 months' salary
3	2 to 3 years	3 months' salary
4	3 to 4 years	4 months' salary
5	4 to 5 years	5 months' salary
6	5 to 6 years	6 months' salary
7	6 to 7 years	7 months' salary
8	7 to 8 years	8 months' salary
9	8 to 9 years	9 months' salary

The formulation for work tenure appreciation according to Article 156, Paragraph (3) of Law No. 13 of 2003 is presented in Table 3 below.

Table 3. The Formulation of Long Service Award Payments

No	Masa Kerja	Uang Pesangon
1	3 tahun – 6 tahun	2 bulan upah
2	6 tahun – 9 tahun	3 bulan upah
3	9 tahun – 12 tahun	4 bulan upah
4	12 tahun – 15 tahun	5 bulan upah
5	15 tahun – 18 tahun	6 bulan upah
6	18 tahun – 21 tahun	7 bulan upah
7	21 tahun – 24 tahun	8 bulan upah
8	24 tahun atau lebih	10 bulan upah

The formulation of compensation components for workers/employees affected by termination of employment (PHK) according to Article 156, paragraph (4), is presented in Table 4 below.

Table 4. Components of Compensation for Dismissed Workers

No	Compensation Component	Description
1	Unused annual leave	
2	Return travel expenses for the worker and their family to the location where the worker was initially employed	
3	Housing, medical, and care allowance, calculated at 15% of the severance pay and/or long-service pay, for eligible employees	Employees who are not entitled to severance pay and/or long-service pay are also not eligible for this compensation.
4	Other entitlements specified in the employment contract, company regulations, or collective labor agreement	

The composition of workers' rights based on reasons for termination of employment as stipulated in Law Number 13 of 2003 is presented comprehensively in Table 5.4 below.

Table 5. Components of Severance Pay Rights Based on Termination Reasons

No.	Termination Reason	Severance Pay Rights Composition	Remarks
1	Employee commits serious misconduct	PH*)	Article 158(1)
2	Employee violates the employment contract, company regulations, collective agreement, or statutory provisions	Psg + PMK + PH	Article 161(3)
3	Employee detained by authorities and unable to work after 6 (six) months or declared guilty by court	PMK + PH	Article 160(7)
4	Voluntary resignation by employee	PH*)	Article 162(1)
5	Change in company status, merger, or consolidation, with: \n a) Employee unwilling to continue employment \n b) Employer unwilling to retain employee	Psg + PMK + PH \n 2(Psg) + PMK + PH	Article 163(1) \n Article 163(2)
6	Company closure due to consecutive two-year losses or force majeure	Psg + PMK + PH	Article 164(1)
7	Company closure not due to losses or force majeure, but for efficiency	2(Psg) + PMK + PH	Article 164(3)
8	Company bankruptcy	Psg + PMK + PH	Article 165
9	Employee's death	2(Psg) + PMK + PH	Article 166
10	Employee reaches retirement age: \n a) Pension program exists, fully funded by employer \n b) No pension program	**) \n 2(Psg) + PMK + PH	Article 167(1) \n Article 167(5)
11	Employee absent for 5 or more consecutive days	PH*)	Article 168(3)
12	Violation committed by employer	2(Psg) + PMK + PH	Article 169(2)
13	Employee suffers prolonged illness, permanent disability due to workplace accident, and cannot work for over 12 (twelve) months	2(Psg) + PMK + PH	Article 172

Notes:

- **Psg** = Severance Pay
- **PMK** = Long-Service Award Pay
- **PH** = Compensation for Rights

*) Additionally, severance pay is provided for workers whose duties and functions do not directly represent the interests of the employer (blue-collar workers), with the amount and implementation governed by the employment contract, company regulations, or collective labor agreements.

**) Entitled to retirement benefits or a pension guarantee but not to severance pay, long-service awards, or compensation, under the following conditions:

1. If the value of the retirement benefits or pension is less than the combined amount of severance pay, long-service awards, and compensation, the employer must pay the difference (Article 167, paragraph (2)).
2. If pension contributions or premiums are paid by both the employer and the employee, only the portion paid by the employer is considered in the severance calculation (Article 167, paragraph (3)).

Reconstruction of Legal Protection for Workers Facing Termination Based on Justice Values

1. Value Reconstruction

When discussing values, it is essential to delve into axiology. Axiology, from the Greek word *Axios* meaning value, pertains to things that are desired, appreciated, or deemed good. Axiology is a branch of philosophy that examines the nature, criteria, and metaphysical positioning of values. It encompasses normative values that provide meaning to truth or reality as encountered in human life, across various domains such as social, symbolic, and physical-material spheres. Axiology examines the values to be achieved and applied, including ethical, aesthetic, and agnostic values.

The advancement of knowledge, including legal science, is influenced by axiology. Legal science, which some scholars classify as *sui generis*, possesses unique scholarly characteristics. This distinct nature necessitates specific paradigms, often requiring consensus among scholars for acceptance as a new paradigm. Thomas S. Kuhn's seminal work *The Structure of Scientific Revolutions* introduces the concept of a paradigm, defining it as a constellation of studies comprising shared concepts, values, and

techniques used by a scientific community to validate problems and solutions. Kuhn's paradigm concept highlights a specific structure that acts as a corridor guiding knowledge exploration and study, encompassing particular concepts, values, and techniques.

Capra further expands Kuhn's idea by defining social paradigms as a vision of reality that underpins how a community organizes itself. In essence, a paradigm represents a worldview or a collective way of thinking embraced by a society.

Legal axiology particularly investigates and develops the meaning of values as an integral part of cultural phenomena, examining the sources, types, hierarchy, validity, and nature of values. This field encompasses socio-cultural values, cultural norms, national philosophy, social, political, and economic values, science and technology, ethics, aesthetics, as well as religious and spiritual values, which form the moral consciousness and personality of individuals or civilizations. Embedded in these values is the human awareness of justice, truth, freedom, obedience, and equality, which sociologically, socio-psychologically, and socio-culturally evolve in the life phenomena as an integrated unity between humans and their ecosystem. This integration culminates in cultural humans and cultural systems, at local, national, and universal levels.

According to Law No. 2 of 2004 on Industrial Relations Dispute Settlement, employment termination disputes arise due to differences in opinion regarding employment termination decisions made by one party (Article 1, point 4). An employer is defined as an individual, partnership, or legal entity located in Indonesia representing a company as intended in points (a) and (b), even if based outside Indonesia (Article 1, point 6c). A company refers to any legal or non-legal enterprise owned by individuals, partnerships, or legal entities, both private and state-owned, employing workers/laborers and providing wages or other forms of compensation (Article 1, point 7a). A worker/laborer is defined as any individual working in exchange for wages or other forms of compensation (Article 1, point 9).

Therefore, axiology perceives legal protection for workers/laborers as a value that normatively aims to safeguard the vulnerable in obtaining justice and certainty, as well as to improve their living standards, benefiting themselves, their families, and the community. Additionally, legal protection for workers/laborers is expected to contribute both theoretically and practically to the development of legal science, particularly labor law. This theoretical and practical contribution aims to provide optimal solutions to employment termination issues faced by workers.

2. Legal Reconstruction

According to the author, there are three main grounds on which employers may terminate employees, as follows:

a. Termination due to minor infractions by the employee;
b. Termination due to major infractions by the employee; and
c. Termination due to the employee's inability to work for over six months as a result of a criminal case, unrelated to any complaint by the employer or another party.

Determining whether an infraction by an employee qualifies as minor or major, thus justifying termination, is a complex process. Meanwhile, Article 158 of Law No. 13 of 2003 on Manpower, which previously regulated serious infractions, no longer holds binding legal force following the decision of the Constitutional Court of the Republic of Indonesia in Case Number 012/PUU-I/2003 dated October 28, 2004. Does this make it difficult for employers to terminate employees? Not necessarily, as the employment relationship is a civil matter. Therefore, it is feasible for terms related to termination due to minor or major infractions to be outlined within employment contracts, company regulations, or collective labor agreements as a means to address legal gaps in termination processes.

Under Article 151 of Law No. 13 of 2003, terminations initiated by employers must first be approved by an industrial dispute resolution body. Thus, employers cannot terminate employees at their sole discretion; strong and valid reasons, as defined within employment contracts, company regulations, or collective labor agreements, are required.

Furthermore, employers are prohibited from terminating employees (Article 153, Law No. 13 of 2003) for the following reasons:

a. Absence due to illness substantiated by a doctor's note, for a period not exceeding twelve consecutive months;
b. Fulfilling obligations to the state as required by applicable laws and regulations;
c. Observing religious practices mandated by their faith;
d. Marriage;
e. Pregnancy, childbirth, miscarriage, or breastfeeding;
f. Having familial or marital ties with other employees within the same company, unless otherwise regulated by an employment contract, company regulations, or a collective labor agreement;
g. Establishing, joining, or leading a trade union, conducting trade union activities outside working hours, or within working hours with the employer's consent, or as regulated within an employment contract, company regulations, or collective labor agreement;
h. Filing a complaint with the authorities regarding criminal actions by the employer;
i. Differences in beliefs, religion, political affiliation, ethnicity, race, gender, physical condition, or marital status; and
j. Sustaining permanent disability, illness due to workplace accidents, or illness due to employment, with an indefinite recovery period as per a doctor's certificate.

Should an employer terminate employment for any of these reasons, the termination is null and void by law (Article 170, Law No. 13 of 2003). Furthermore, following the Constitutional Court's decision in Case Number 012/PUU-I/2003 dated October 28, 2004, which addressed a judicial review of Law No. 13 of 2003 on Manpower against the 1945 Constitution of the Republic of Indonesia, several articles (including Article 158, Article 159, Article 160(1) regarding employer complaints, Article 170, Article 158(1), Article 171, and specific phrases within Articles 186, 137, and 138(1)) were declared to lack binding legal force.

Subsequently, Circular Letter No. SE.13/Men/SJ-HK/I/2005 from the Ministry of Manpower and Transmigration clarified that the aforementioned provisions of Law No. 13 of 2003 are no longer to be used as the basis for resolving industrial disputes. It further established that terminations due to serious infractions by employees (formerly Article 158(1) of Law No. 13 of 2003) can only occur following a criminal court verdict with permanent legal force (inkracht van gewijsde). Therefore, for an employer to

terminate an employee due to a serious infraction, they must first pursue criminal proceedings by reporting the infraction to law enforcement authorities. This requires both parties—the employer and the employee—to undertake a lengthy legal process, entailing significant time, effort, and expense. Hence, addressing such termination matters often returns to mutual agreement between the employer and the employee, seeking practical and swift solutions to termination disputes.

The researcher believes that pursuing a criminal case before proceeding to industrial court is a taxing process that consumes considerable time. In certain cases, if within the bounds of tolerance, it would be preferable for employers to focus on their business activities, and for employees to resolve termination issues expediently to pursue new employment opportunities elsewhere.

In conclusion, the reconstruction of legal protections for employees affected by termination, particularly in publicly listed companies, should aim to ensure protection against termination, swift and fair termination processes, and facilitate new employment opportunities for affected workers. Accordingly, the following legal reconstruction steps, based on principles of fairness, are recommended to enhance legal protections for employees facing termination.

Table 6 The Legal Reconstruction of Protection for Laid-off Workers.

No	Before Reconstruction	Before Reconstruction	Before Reconstruction
1	Article 182 of Law No. 2 of 2004: A lawsuit by a worker/laborer regarding termination of employment, as referred to in Articles 159 and 171 of Law No. 13 of 2003 on Employment, may only be filed within 1 (one) year from the receipt or notification of the employer's decision.	Article 182 of Law No. 2 of 2004: A lawsuit by a worker/laborer regarding termination of employment, as referred to in Articles 159 and 171 of Law No. 13 of 2003 on Employment, may only be filed within 1 (one) year from the receipt or notification of the employer's decision.	Article 182 of Law No. 2 of 2004: A lawsuit by a worker/laborer regarding termination of employment, as referred to in Articles 159 and 171 of Law No. 13 of 2003 on Employment, may only be filed within 1 (one) year from the receipt or notification of the employer's decision.
2	Article 151 of Law No. 13 of 2003 (1): Employers, workers/laborers, labor unions, and the government must make every effort to prevent the termination of employment.	Article 151 of Law No. 13 of 2003 (1): Employers, workers/laborers, labor unions, and the government must make every effort to prevent the termination of employment.	Article 151 of Law No. 13 of 2003 (1): Employers, workers/laborers, labor unions, and the government must make every effort to prevent the termination of employment.
3	Article 153 of Law No. 13 of 2003, 1.b: A worker/laborer is absent from work due to fulfilling national duties in accordance with applicable regulations.	Article 153 of Law No. 13 of 2003, 1.b: A worker/laborer is absent from work due to fulfilling national duties in accordance with applicable regulations.	Article 153 of Law No. 13 of 2003, 1.b: A worker/laborer is absent from work due to fulfilling national duties in accordance with applicable regulations.
4	Article 159 of Law No. 13 of 2003: If a worker/laborer does not accept the termination of employment as referred to in Article 158, paragraph (1), the worker/laborer may file a lawsuit with the industrial dispute settlement institution.	Article 159 of Law No. 13 of 2003: If a worker/laborer does not accept the termination of employment as referred to in Article 158, paragraph (1), the worker/laborer may file a lawsuit with the industrial dispute settlement institution.	Article 159 of Law No. 13 of 2003: If a worker/laborer does not accept the termination of employment as referred to in Article 158, paragraph (1), the worker/laborer may file a lawsuit with the industrial dispute settlement institution.
5	Article 171 of Law No. 13 of 2003: A worker/laborer who experiences termination without the determination of an industrial dispute settlement as referred to in Articles 159, 160 paragraph (3), and 162, and who does not accept the termination, may file a lawsuit with the industrial dispute settlement institution within 1 (one) year from the date of termination.	Article 171 of Law No. 13 of 2003: A worker/laborer who experiences termination without the determination of an industrial dispute settlement as referred to in Articles 159, 160 paragraph (3), and 162, and who does not accept	Article 171 of Law No. 13 of 2003: A worker/laborer who experiences termination without the determination of an industrial dispute settlement as referred to in Articles 159, 160 paragraph (3), and 162, and who does not accept the termination, may file a lawsuit with the industrial dispute settlement institution within 1 (one) year from the date of termination.

		the termination, may file a lawsuit with the industrial dispute settlement institution within 1 (one) year from the date of termination.	

The explanation of the legal reconstruction table regarding legal protection for workers affected by layoffs based on the value of justice is that Article 182 of Law No. 2 of 2004 and Article 171 of Law No. 13 of 2003 concerning the time limit for filing a lawsuit, which was initially one year from the termination of the employment relationship, has been shortened to six (6) months. This can be illustrated with the following example:

Article 171 of Law No. 13 of 2003 and Article 182 of Law No. 2 of 2004 strictly regulate the time limit for filing a lawsuit regarding layoffs, set at no more than one (1) year. A narrow interpretation of this provision would lead to the conclusion that a dismissal, for any reason, could become time-barred if filed more than one year after the employee receives the dismissal letter. Prior to the Constitutional Court's (MK) decision No. 012/PUU-I/2003, which annulled several provisions in Law No. 13 of 2003, all dismissal reasons were at risk of becoming time-barred. The Constitutional Court's ruling granted a judicial review requested by several labor unions, resulting in the annulment of certain provisions of the Employment Law. Consequently, the time bar for dismissal claims now only applies to two specific cases: first, dismissals due to voluntary resignation (Article 162 of Law No. 13 of 2003); and second, dismissals that occur due to a criminal process lasting more than six months (Article 161, paragraph (3) of Law No. 13 of 2003).

To reach this conclusion, we can trace the explanation that Articles 82 of Law No. 2 of 2004 and 171 of Law No. 13 of 2003 are provisions that do not stand alone. Article 82 refers to Articles 158, 159, and 171 of Law No. 13 of 2003, while Article 171 points to Articles 158, paragraph (1), 160, paragraph (3), and 162 of Law No. 13 of 2003. The articles related to Articles 82 and 171 that were not annulled by the Constitutional Court include only Article 160, paragraph (3), and Article 162 of Law No. 13 of 2003. Thus, dismissals for reasons other than those in Article 160, paragraph (3), and Article 162 of Law No. 13 of 2003 cannot be classified as time-barred.

Another point of clarification from the explanation above is that Articles 82 of Law No. 2 of 2004 and 171 of Law No. 13 of 2003 remain in effect as positive law regarding the time bar for dismissal claims. Therefore, to avoid unnecessary delays and enable both workers and employers to promptly address and resolve issues, it is advisable to file a claim within a shorter time frame. According to the researcher, a period of six (6) months is sufficient to gather witnesses and evidence for resolving the issue. If the lawsuit is filed more than six (6) months after the termination of employment, there is a risk of losing evidence or witnesses, who may have changed over time. Moreover, the process of summoning the defendant or plaintiff in the industrial relations court could result in further delays in resolving the dispute between the worker and the employer.

CONCLUSION

Based on the descriptions presented in the previous chapters, the following conclusions can be drawn as answers to the three research problems:

1. **Weaknesses in the Implementation of Legal Protection for Workers Affected by Layoffs at Publicly Listed Companies in Central Java Province:**

    a. Workers are often unwilling to accept input from mediators, even when the advice aligns with the law.
    b. From the employer's side, the issue of the employer's domicile is significant, as many employers reside outside the city or abroad, making it difficult for them to allocate time. Even if authority is delegated to the human resources department, their powers are limited, requiring repeated back-and-forth communication to await decisions from the employer or management.
    c. A further challenge arises when the company appoints an authorized representative to resolve labor disputes during mediation. However, the representative is not given full authority to make decisions during the mediation sessions. This results in delays as decisions must be approved by the company's leadership before any agreement can be reached.
    d. Both parties often find it difficult to compromise, as they adhere strictly to their own standards. This results in mediation becoming challenging, making it hard to reach an agreement. Consequently, disputes are frequently unresolved, leading the mediator to issue written recommendations. The mediator's goal is to resolve all disputes through mediation, with the final agreement being formalized in a collective labor agreement.

2. **Reconstruction of Legal Protection for Workers Affected by Layoffs Based on Justice:**

    1) **Reconstruction of Values:** The reconstruction of legal protection for workers affected by layoffs at publicly listed companies aims to provide better protection for workers to prevent layoffs, ensure a quick and fair resolution process for layoffs, and assist workers in finding new employment opportunities.
    2) **Reconstruction of Laws:**

a. Article 182 of Law No. 2 of 2004: The claim filed by a worker regarding termination of employment, as referred to in Articles 159 and 171 of Law No. 13 of 2003 on Manpower, should be submitted within a period of 6 (six) months from the date the employer's decision is communicated, rather than within 1 (one) year.
b. Article 151 of Law No. 13 of 2003: The word "shall not" should be replaced with "must not," so the article would read: "Employers, workers, trade unions, and the government must make every effort to avoid termination of employment."
c. Article 153 of Law No. 13 of 2003, paragraph (1b): The phrase "unable to perform work due to fulfilling state obligations" should be replaced with "unable to work due to performing state duties," so the article would read: "Workers are unable to work because they are performing state duties as per applicable laws and regulations."
d. Article 159 of Law No. 13 of 2003: The time limit for filing claims should be extended, so the article would read: "If a worker does not accept the termination of employment as referred to in Article 158, paragraph (1), the worker may file a claim with the industrial dispute resolution institution within a period of no longer than 6 (six) months from the date of termination."
e. Article 171 of Law No. 13 of 2003: The time frame for filing claims should be expedited, so the article would read: "Workers who experience termination of employment without a resolution from the authorized industrial dispute resolution institution, as referred to in Articles 159, 160 paragraph (3), and 162, and workers who cannot accept the termination, may file a claim with the industrial dispute resolution institution within a period of no longer than 6 (six) months from the date of termination."

REFERENCE

Buku

Abdul Khakim. *Dasar-Dasar Hukum Ketenagakerjaan Indonesia Cetakan ke-4 Edisi Revisi*. Citra Aditya Bakti, Bandung, 2014.
Abintoro Prakoso. *Penemuan Hukum Sistem, Metode, Aliran dan Prosedur dalam Menemukan Hukum*. Laksbang Presindo, Yogyakarta, 2015.
Aloysius Uwiyono., Siti Hajati Husein, Widodo Suryandono, dan Melania Kiswandari. *Asas-asas Hukum Perburuhan*. Raja Grafindo Persada, Jakarta, 2014.
A.M. Mujahidin. *Hukum Progresif: Jalan Keluar dari Keterpurukan Hukum di Indonesia*, Majalah Hukum *Varia Peradilan* Edisi No. 257 bulan April 2007.
B. Siswanto Sastrohadiwiryo. *Manajemen Tenaga kerja Indonesia,Pendekatan Administratif dan Operasional*, Bumi Aksara,Jakarta, 2005.
Lalu Husni. *Penyelesaian Perselisihan Hubungan Industrial Melalui Pengadilan& di Luar Pengadilan.*RajawaliPers, Jakarta, 2005.
Lawrence M. Friedman, *Hukum Amerika: Sebuah Pengantar (American Law: An Introduction)*, 2001.
Lili Rasjididan Ira Rasjidi. *Dasar-Dasar Filsafat Dan Teori Hukum*, CitraAditya Bakti, Bandung, 2001.
Muslan Abdurrahman. *Sosiologi dan Metode Penelitian Hukum*. UMM Press, Malang, 2009.

M. Solly Lubis.*Serba-Serbi Politik dan Hukum*, Mandar Maju, Bandung, 1989.
Mahmud Kusuma.*Menyelami Semangat Hukum Progresif- Terapi Paradigmatik Atas Lemahnya Penegakan Hukum Indonesia*, Antony Lib bekerjasama LSHP,Yogyakarta, 2009.
Maria Alfons. *Implentasi Perlindungan Indikasi Geografis Atas Produk-Produk Masyarakat Lokal Dalam Prespektif Hak kekayaan Intelektual*. Universitas Brawijaya, Malang, 2010.
_____. *Alternative Dispute Resolution & Arbitrase: ProsesPelembagaan dan Aspek Hukum*, Ghalia Indonesia, Jakarta, 2004.
Mas Achmad Sentosa& Awiati, Wiwik. "*Negosiasi dan Mediasi",dalam Mediasi dan Perdamaian*, Mahkamah Agung RI, Jakarta, 2004.
Mochtar Kusumaatmajda, *Konsep-konsep Hukum dalam Pembangunan*, Alumni, Bandung, 2002.
Muchsin, *Perlindungan dan Kepastian Hukum bagi Investor di Indonesia*, Magister Ilmu Hukum Program Pascasarjana Universitas Sebelas Maret, Surakarta.
M. Yahya Harahap. *Ruang Lingkup Permasalahan Eksekusi BidangPerdata*, Gramedia, Jakarta, 1988.
_____. *Beberapa Tinjauan Mengenai Sistem Peradilan dan Penyelesaian Sengketa*, Citra Aditya Bakti, Bandung, 1997..
Philipe Nonet & Philip Selznick, 1978, *Law and Society in Transition: Toward Responsive Law*, Herper Torch Book, New York, Rafael Edy Bosco (penerjemah), 2003, *Hukum Responsif, Pilihan di Masa Transisi, Perkumpulan untuk Pembaruan Hukum Berbasis Masyarakat dan Ekologis*, Huma, Jakarta.
Phillipus M. Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia. P*T. Bina Ilmu, Surabaya, 1987.
Rajagukguk, H.P. *Peran Serta Pekerja Dalam Pengelolaan Perusahaan (Co-Determination)*, Yayasan Obor Indonesia, Jakarta, 2002.
Soerjono Soekanto. B*eberapa Aspek Sosio Yuridis dan Masyarakat*, Alumni,Bandung, 1981.
_____. 2002. *Faktor-faktor yang Mempengaruhi Penegakan Hukum*, PT.RajaGrafindo Persada, Jakarta.
Soerjono Soekanto dan Mamudji, Sri. *Penelitian Hukum Normatif SuatuTinjauan Singkat,*RajaGrafindo Persada, Jakarta, 2003.

Peraturan Perundang-undangan

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945
Undang-Undang Nomor 22 Tahun 1957 tentang Penyelesaian Perselisihan Perburuhan.
Undang-Undang Nomor 12 Tahun 1964 tentang Pemutusan Hubungan Kerja di Perusahaan Swasta.
Undang-Undang Nomor 25 Tahun 1997 tentang Ketenagakerjaan.

Undang-Undang Nomor 30 Tahun 1999 tentang Arbitrase dan Alternatif Penyelesaian Sengketa.
Undang-Undang No.13 Tahun 2003 tentang Ketenagakerjaan.
Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial.
Undang-Undang No. 32 Tahun 2004 tentang Pemerintahan Daerah.
UndangUndang Nomor 40 Tahun 2007 tentang Perseroan Terbatas
Peraturan Mahkamah Agung Republik Indonesia Nomor 2 Tahun 2003 tentang Prosedur Mediasi di Pengadilan.
Putusan Mahkamah Konstitusi Republik Indonesia Perkara Nomor 012/PUU-I/2003 tanggal 28 Oktober 2004 atas Hak Uji Materiil Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.
Peraturan Mahkamah Agung Nomor 2 Tahun 2012 tentang Penyesuaian Batasan Tindak Pidana Ringan dan Jumlah denda dalam KUHP
Surat Edaran Menteri Tenaga Kerja dan Transmigrasi Nomor SE.13/MEN/SJ-HK/I/2005 tanggal 7 Januari 2005.
Keputusan Menteri Tenaga Kerja dan Transmigrasi Nomor: KEP-92/MEN/2004.

Jurnal/ Artikel Ilmiah

Harahap, M. Yahya. 1995. "Mencari Sistem Alternatif Penyelesaian Sengketa",Varia Peradilan, No. 21, Jakarta.
Santoso, Mas Achmad. 1998. "Potensi Penerapan Alternative Dispute ResolutionBerdasarkan Undang-undang Nomor 23 Tahun 1997 tentang PengelolaanLingkungan Hidup", dalam Pustaka Peradilan, Jilid XVIII, Proyek Pembinaan Tehnis Justicial Mahkamah Agung-RI.
Scholessberg, I, Stephen, dan Steven M. Fetter, "*US Labor law and The Futureof Labor Management Cooperation"* (Chicago Illonis: The Labor Lawyer,1987, Volume 3 No.1.
Singar, Linda R. 2000. "Settling Dispute-Conflict Resolution in Bussiness,Families and The Legal System", dalam *Jurnal Magister Hukum, Vol. 2,No. 4* Oktober, PPs-UII, Yogyakarya.
Uwiyono, Aloysius. 2003. "Implikasi Hukum Pasar Bebas dalam Kerangka AFTAterhadap Hukum Ketenagakerjaan di Indonesia", *Jurnal Hukum Bisnis,*Volume 22, Yayasan Pengembang Hukum Bisnis, Jakarta.
Dedi Pahroji & Holyness N. Singadimedja, *Perbandingan Sistem Hukum Ketenagakerjaan Negara Malaysia dan Negara Indonesia dalam Perlindungan Hukum dan Penegakan Hak Asasi Manusia.* Telah Dipublikasikan di Majalah Ilmiah Solusi Unsika ISSN 1412-86676 Vol. 11 No. 24 Ed. Sep – Nop. 2012.
Perdana, Surya. 2001 "Pelaksanaan Jaminan Sosial Tenaga Kerja (Jamsostek)", Tesis, Program Pascasarjana USU, Medan.
Raharjo, Satjipto. 1999. "Masalah Kebhinekaan Sosial Budaya Dalam Reformasi Hukum Nasional Menuju Masyarakat Madanih", *Makalah*, disampaikan pada Seminar Hukum Nasional ke- VII, Diselenggarakan Oleh BPHN-Depkeh RI di Jakarta.
Satjipto Rahardjo, *Mengejar Keteraturan Menemukan Ketidakteraturan (TeachingOrder Finding Disorder*), Pidato mengakhiri masa jabatan sebagai guru besartetap pada Fakultas Hukum Universitas Diponegoro Semarang, 15 Desember 2000.

Internet

Depnakertrans, 2013, *Kondisi Ketenagakerjaan Umum di Indonesia* (Agustus 2013), http:// www.pusdatinaker. balitfo. depnakertrans. go.id. Diunduh 27 November 2014.
http://www.hukumonline.com/berita/baca/lt4d7a30ce95bca/aturan-phk-alasan-efisiensi-dinilai-inkonstitusionalDiunduh 27 November 2014.
http://requestartikel.com/pengertian-dan-pengaturan-pemutusan-hubungan-kerja-201104727.html, diunduh pada tanggal 22Februari 2016.
www.orintononline.blogspot.com/perdebatanteorihukumfriedman (diunduh pada tanggal 5 Juni 2016)
www.kumpulanartikelhukum.com/perdebatanteorihukumfriedman(diunduh pada tanggal 5 Juni 2016)

Hono Sejati
Fakultas Hukum
Universitas Darul Ulum Islamic Center Sudirman (UNDARIS) Semarang
Email : honosejati89@gmail.com