

Analysis Of The Protection Of Workers' Rights In The Indonesian Labor Law

Muhammad Japar¹; Fauziah²; Efridani Lubis³; Syarif Fadillah⁴; Hermanto⁵. Yuyun Elizabeth Patras⁶.

State University of Jakarta

Jl. R.Mangun Muka Raya No.11, RT.11/RW.14, Rawamangun, Pulo Gadung District, East Jakarta City, Special Capital Region of Jakarta 13220, Indonesia.^{1,5},

Islamic University of As-Syafi'iyah

Jl. Raya Jatiwaringin No. 12, Pondok Gede, Bekasi City, West Java 17411, Indonesia.^{2,3,4},

E-Mail : ¹mjapar@unj.ac.id ²ziah.cairo@yahoo.com ³efridani@yahoo.com

⁴syariffadillah@gmail.com ⁵pbmanto92@gmail.com, yuyunpatras64@gmail.com⁶.

Sekolah Pascasarjana Universitas Pakuan⁶.

Jl. Pakuan No.I, RT.02/RW.06, Tegallega, Kecamatan Bogor Tengah, Kota Bogor, Jawa Barat 16129

Naskah diterima : 06/02/2025, revisi : 16/02/2025, disetujui 27/03/2025

ABSTRACT

This study analyzes the protection of workers' rights in the Indonesian Manpower Law, focusing on basic workers' rights, implementation challenges, and recommendations for improving effectiveness. The method used is normative juridical with qualitative data analysis. The study results indicate that although labor regulations are available, their implementation is still weak. Minimum wages are often unmet, especially in the informal sector, due to weak supervision and low worker awareness of their rights. Social security is hampered by low company compliance and administrative constraints, while occupational safety and health (K3) standards are poorly implemented, as seen from the high number of work accidents. The right to leave, rest time, and freedom of association are also often ignored, with union busting still rampant. This study recommends stricter supervision, increased worker literacy, and collaboration between the government, employers, and trade unions to improve the implementation of regulations. These steps are expected to enhance the protection of workers' rights, support their welfare, and encourage sustainable economic growth.

Keywords : Protection, Workers' Rights, Employment Law.

A. Introduction

The protection of workers' rights is a fundamental element in realizing fair and equitable industrial relations in Indonesia. As a country with a large workforce, regulations that guarantee the protection of workers' rights are urgently needed¹. Law Number 13 of

¹ Ilham Khair, Otti. "Analysis of the Omnibus Law on Job Creation Regarding Workers' Protection in Indonesia." Widya Pranata Hukum 3, no. 2 (2021): 45–63.

2003 concerning Manpower, which was later updated through the Job Creation Law Number 11 of 2020, became the main legal basis that regulates workers' rights. These regulations cover various aspects such as the right to a minimum wage, social security, decent working conditions, and freedom of association. However, even though regulations have been implemented, violations of workers' rights still occur frequently.

Workers' rights to a decent wage are regulated in Article 88 of Law No. 13 of 2003 which affirms that workers have the right to earn a decent income in accordance with the minimum living needs (KHL). However, a report from the International Labour Organization (ILO) shows that in many areas, the implementation of the minimum wage is not yet fully effective, especially in the informal sector and small companies². This is exacerbated by the lack of oversight and sanctions against companies that do not comply with the regulations³. This problem shows that there is a gap between regulation and its implementation in the field.

In addition to wages, workers' rights to social security are also an important part of the employment system in Indonesia. Social security programs which include Health Insurance, Old Age Insurance, and Work Accident Insurance are regulated in Law Number 40 of 2004 concerning the National Social Security System (SJSN) and Law Number 24 of 2011 concerning BPJS. However, the implementation of this program often encounters obstacles, such as the lack of compliance of companies in registering their workers as BPJS participants⁴. As a result, many workers lose access to their rights in social security.

The right to safe and decent working conditions is also an important highlight. Article 86 of Law No. 13 of 2003 emphasizes that every worker has the right to occupational safety and health protection (K3).⁵ However, the reality on the ground shows that many companies, especially in the manufacturing and construction sectors, are still ignoring the K3 standards. Data from the Ministry of Manpower noted that work accidents in Indonesia reached 153,044 cases in 2022⁶. This shows that the implementation of protection for working conditions is not optimal.

In addition, workers' rights to freedom of association guaranteed by Article 104 of Law No. 13 of 2003 also face various challenges. Many workers face intimidation or threats from employers when trying to form or join a union, known as the practice of union busting⁷. This situation shows that there is a systemic violation of freedom of association that still needs serious attention.

² International Labour Organization (ILO). Indonesia Labour Overview Report. Geneva, 2021.

³ Matindas, Christin Lady. "Legal Analysis of Employment Protection Based on Law No. 13 of 2003." *Lex Privatum* 6, no. 3 (2018): 149–157.

⁴ Ayu, Dian, Nurul Muthoharoh, and Ari Wibowo. "Return to Work as a Form of Work Accident Insurance at the Social Security Agency (BPJS) for Employment." *Rewang Rencang: Jurnal Hukum Lex Generalis* 1, no. 2 (2020): 1–21. <https://doi.org/10.56370/jhlg.v1i2.82>.

⁵ Aziz, M. "Legal Protection for Firefighters' Workplace Safety According to Law No. 13 of 2013 and Islamic Law." Master's thesis, Universitas Islam Raden Fatah, 2018.

⁶ Ministry of Manpower of the Republic of Indonesia. *Annual Report on Workplace Accidents 2022*. Jakarta: Ministry of Manpower of the Republic of Indonesia, 2023.

⁷ Farisa, Fitria Chusna. "The Controversial Path of the Omnibus Law: Passed in Haste, Even Amid Heavy Opposition." *Kompas.com*, 2023.

The changes introduced through the Job Creation Law are also a controversial issue in the protection of workers' rights. Some of the new provisions, such as flexibility in employment contracts and termination procedures, are considered to provide greater benefits for employers than workers. The unions consider that this revision weakens the bargaining position of workers and creates greater job uncertainty⁸. This raises new challenges in balancing rights and obligations between workers and employers.

Another challenge is the weak supervision of the implementation of labor regulations in the field. The government faces a limited number of labor inspectors to monitor violations, especially in remote areas. A study conducted by Andindya & Damayanti found that many small companies in the informal sector are not fulfilling their obligations to workers' rights. This suggests that the supervisory system needs to be strengthened to ensure compliance with regulations⁹.

This study aims to analyze the protection of workers' rights in the Labor Law in Indonesia, focusing on the basic rights of workers, challenges in implementation, and recommendations to improve the effectiveness of protection. This study is expected to contribute to the development of more inclusive and equitable policies in industrial relations in Indonesia.

B. Research Methodology

This study uses normative juridical methods, which are a common approach in legal research. This method focuses on the analysis of laws and regulations, legal theories, relevant research results, and applicable legal doctrines¹⁰. The main data source used is secondary data, which includes the study of legal regulations and related literature (literature studies). The data obtained is analyzed through a qualitative approach, by describing and interpreting the data in depth. The analysis process is carried out systematically using grammatical interpretation methods, based on relevant doctrines and legal regulations, and adjusted to the results of related research. Furthermore, the data that has been analyzed is linked to the subject matter that is the focus of the discussion.

C. Results and Discussion

1. Workers' Rights In Indonesian Labor Law

a. The Right To a Decent Wage

A decent wage is a basic right of workers guaranteed in the Indonesian Manpower Law. Article 88 of Law Number 13 of 2003 states that every worker is entitled to an income that meets the minimum standard of living (Decent Living Needs/KHL). This minimum wage is set by the government based on a number of

⁸ Hermawan, Hendra, and Ichwan Setiawan. "Severance Pay Reductions Due to the Implementation of the Omnibus Law on Job Creation in Electronics Companies in Cibitung Industrial Zone." *Focus 5*, no. 2 (2024): 145–157. <https://doi.org/10.37010/fcs.v5i2.1647>.

⁹ Anindya, Salma Elsa, and Ratih Damayanti. "Legal Protection of Workers' Rights and Obligations in Indonesia: Challenges and Solutions." *Media Hukum Indonesia 2*, no. 4 (2024): 572–579.

¹⁰ Syahrudin, Muhammad. *Introduction to Legal Research Methodology: Studies on Normative, Empirical Research, Proposal Writing, Thesis and Dissertation Reports*. Riau: CV. Dotplus Publisher, 2022.

indicators, such as inflation rates, productivity, and economic growth. In practice, the implementation of the minimum wage aims to provide protection for workers from exploitation, especially in sectors that are vulnerable to violations of workers' rights¹¹.

However, despite the regulations that have been established, the reality on the ground shows that there are still many companies that pay workers wages below the minimum standard. According to Irawan, the informal sector and small companies often do not fulfill their obligations in paying wages in accordance with applicable regulations¹². This is due to a variety of factors, including weak government oversight and low awareness of workers¹³ rights. As a result, income inequality is still a significant issue in various regions in Indonesia.

In addition, challenges also arise in the adjustment of the minimum wage which is often not in line with the economic reality on the ground. According to a report from the Ministry of Manpower, some entrepreneurs object to the increase in the minimum wage because it is considered to burden operational costs, especially during economic crises. This creates a dilemma between worker protection and business sustainability, which can ultimately affect the stability of industrial relations¹⁴.

The right to a decent wage is also closely related to the welfare of workers and their families. A study by Nurjanah shows that the insufficient minimum wage makes it difficult for workers to meet basic needs such as food, education, and health¹⁵. This has a negative impact on workers' quality of life and their productivity at work. Therefore, it is important to ensure that the minimum wage policy is not only administratively established but also overseen its implementation effectively¹⁶.

The government needs to take strategic steps to increase the effectiveness of the implementation of the minimum wage policy. One of the efforts that can be made is to strengthen the labor supervision system, including increasing the number of labor inspectors on duty in the field. In addition, education to workers about their rights also needs to be improved, so that they can be more active in fighting for the right to a decent wage. Cooperation between the government,

¹¹ Irawan, Nuryansyah. *Labor Exploitation: Dynamics and Legal Protection of Dual Positions in Group Companies*. Yogyakarta: Deepublish, 2024.

¹² Nurjanah, Maya Sari. *"The Effect of Labor, Unemployment, and GRDP on Poverty in North Kalimantan."* Master's thesis, Universitas Borneo Tarakan, 2024.

¹³ Sinambela, Lijan Poltak. *Human Resource Management: Building a Solid Work Team to Improve Performance*. Jakarta: Bumi Aksara, 2021.

¹⁴ Ministry of Manpower of the Republic of Indonesia, *Annual Report on Workplace Accidents 2022* (Jakarta: Ministry of Manpower of the Republic of Indonesia, 2023).

¹⁵ Maya Sari Nurjanah, *"Analysis of the Influence of Labor, Unemployment, and GRDP on Poverty in North Kalimantan"* (master's thesis, Universitas Borneo Tarakan, 2024).

¹⁶ Lijan Poltak Sinambela, *Human Resource Management: Building a Solid Work Team to Improve Performance* (Jakarta: Bumi Aksara, 2021).

employers, and unions is the main key to creating a fairer and more balanced work environment¹⁷.

The right to a decent wage is a crucial element in worker protection regulated by the Indonesian Labor Law. However, challenges in the implementation of this regulation still need to be overcome through stricter supervision and inclusive policies. Thus, it is hoped that the welfare of workers can increase, which in the end also has a positive impact on national economic growth.

b. Right to Social Security

Workers are entitled to social security protection which includes Health Insurance, Old Age Insurance, and Work Accident Insurance. This right is regulated in Law Number 40 of 2004 concerning the National Social Security System (SJSN) and Law Number 24 of 2011 concerning the Social Security Administration Agency (BPJS). This program aims to provide protection for workers in the face of economic and social risks. However, in practice, the implementation of social security programs is often hampered by the company's lack of compliance to register its workers as BPJS participants¹⁸.

This problem is caused by several factors, including the lack of corporate awareness of the importance of social security and weak government supervision. Research conducted by Agus found that many small and medium-sized companies do not understand their obligations in enrolling workers in social security programs. As a result, many workers lose access to basic rights such as health care and elder protection¹⁹.

Social security programs also often experience administrative constraints, such as late payment of claims and lack of transparency in fund management. According to Siregar, the number of unpaid claims has increased significantly, especially during the COVID-19 pandemic. This raises concerns among workers about the effectiveness of social security programs in providing protection²⁰.

To address this problem, the government needs to strengthen the supervisory system and provide incentives for companies that comply with social security regulations. In addition, it is important to increase social security literacy among workers so that they better understand their rights and obligations.

¹⁷ Shinta Setya Ningrum, "Analysis of the Effect of Open Unemployment Rate, Human Development Index, and Minimum Wage on Poverty in Indonesia (2011–2015)," *Jurnal Ekonomi Pembangunan* 15, no. 2 (2017): 184, <https://doi.org/10.22219/jep.v15i2.5364>.

¹⁸ Aria Yuditia, Yusup Hidayat, and Suparji Achmad, "Implementation of National Health Insurance by BPJS Based on Law No. 40 of 2004 on the National Social Security System," *Jurnal Magister Ilmu Hukum* 6, no. 1 (2021): 43, <https://doi.org/10.36722/jmih.v6i1.796>.

¹⁹ Dede Agus, "Development of Labor Social Security Regulations for Legal Protection of Workers," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (2015): 53–68, <https://doi.org/10.25041/flatjustisia.v8no1.286>.

²⁰ Denny Jeremia Siregar, "Acquisition and Retention of BPU Membership: Maintaining Labor Social Security," *Jurnal Jamsostek* 2, no. 2 (2024): 163–184, <https://doi.org/10.61626/jamsostek.v2i2.20>.

Partnerships with unions can also help in voicing workers' interests related to social security²¹.

The success of social security programs depends heavily on the commitment of all parties, including the government, employers, and workers. If the implementation of this program can be improved, social security can be an effective instrument to improve workers' welfare and reduce socio-economic risks. Thus, the right to social security is an important part of worker protection that needs to be continuously improved, both through more inclusive policies and more effective supervision. This is not only important for workers but also to support sustainable economic growth.

c. The Right to Decent Working Conditions

The right to safe, healthy, and free working conditions from discrimination is guaranteed by Article 86 of Law Number 13 of 2003 concerning Manpower. This law also regulates the importance of implementing Occupational Safety and Health (K3) to protect workers from the risk of work accidents and occupational diseases. According to data from the Ministry of Manpower in 2022, cases of work accidents are still quite high, especially in the construction and manufacturing sectors. This shows that the K3 standard has not been fully implemented in various companies²².

Violations of the right to decent working conditions often occur due to weak supervision and lack of sanctions against non-compliant companies. Research by Haidar, Hapsari, Sukmawati shows that many small and medium-sized companies do not have adequate K3 programs, so workers have to face high work risks²³. In addition, discrimination in the workplace, such as wage disparities and unfair treatment of female workers, remains a matter of concern²⁴.

To overcome this problem, the government needs to increase supervision and provide training to entrepreneurs regarding the importance of implementing K3. Union participation is also needed to ensure that workers' rights related to decent working conditions can be championed. Studies from the ILO emphasize that a healthy and safe work environment can significantly increase worker productivity and well-being²⁵.

The right to safe, healthy, and free from discrimination working conditions is a fundamental aspect guaranteed by Article 86 of Law Number 13 of 2003

²¹ Erwin Purwaningsih, "Policies Related to the Health Crisis: Analysis of Health Workers' Needs During the COVID-19 Pandemic in Indonesia," *Jurnal Kebijakan Kesehatan Indonesia* 12, no. 2 (2023): 66, <https://doi.org/10.22146/jkki.80590>.

²² Ministry of Agriculture, *Annual Report on Work Accidents 2022*.

²³ Ahmad Fadhil Haidar, Rizky Sri Hapsari, and Rr. Luh Sekar Nur Sukmawati, "Labor Law Violations Analysis (Case Study of PT. Indonesia Bakery Family)," *Journal of Law, Politics and Social Sciences* 3, no. 2 (2024): 398-408, <https://ejurnal.politeknikpratama.ac.id/index.php/jhps/article/view/3841>
<https://ejurnal.politeknikpratama.ac.id/index.php/jhps/article/download/3841/3622>.

²⁴ Yoga Kurniawan Saputra and Yoga Guntur Sampurno, "Analysis of Occupational Health and Safety Implementation in Light Vehicle Engineering Competency at SMK N 1 Sedayu," *Jurnal Pendidikan Vokasi Otomotif* 5, no. 1 (2022): 71-80.

²⁵ *International Labour Organization (ILO), Indonesia Labour Overview Report (Geneva, 2021)*.

concerning Manpower. However, the high cases of work accidents, especially in the construction and manufacturing sectors, shows that the implementation of Occupational Safety and Health (K3) standards is still far from optimal. Weak supervision and lack of sanctions for violations are the main factors in this problem. In addition, discrimination in the workplace, such as wage inequality and unfair treatment of female workers, adds to the complexity of this issue. To overcome this, the government needs to increase supervision, provide training to employers, and encourage union participation. Then the study from the ILO (2021) underlines that a healthy and safe work environment not only protects workers but also contributes to increased productivity and overall well-being.

d. Right to Leave and Time Of Rest

Articles 79-84 of Law Number 13 of 2003 guarantee workers' rights to daily, weekly, annual leave, as well as special leave such as maternity and maternity leave. This right is designed to ensure a worker's work-life balance. However, in practice, this right is often ignored by employers, especially in the informal sector and small companies. According to Mahawati, many workers do not get annual leave or sufficient rest time due to the high workload²⁶.

Lack of law enforcement is one of the main reasons for violations of the right to rest time. Research by Masning & Kornelis found that many contract workers and freelance day laborers are unaware of their rights regarding rest time and leave²⁷. As a result, they often work non-stop without getting adequate rest time. This condition not only impacts the physical health but also the mental well-being of workers²⁸.

To improve the implementation of this right, the government must ensure that information on leave rights and rest time is clearly conveyed to workers. Additionally, companies need to be provided with guidance to create a fair and flexible work schedule. Education and advocacy involving unions can also help workers to better understand and fight for their rights²⁹.

Workers' rights to rest and leave, as stipulated in Articles 79-84 of Law Number 13 of 2003, are an important step to create a balance between work and personal life. However, violations of these rights are still common, especially in the informal sector and small companies, due to weak law enforcement, lack of oversight, and lack of workers' knowledge of their rights. This condition has a negative impact on the physical and mental health of workers, demanding serious attention from various parties. To ensure that this right is implemented, the

²⁶ Eni Mahawati et al., *Analysis of Workload and Work Productivity* (Semarang: Yayasan Kita Menulis, 2021).

²⁷ Yaomi Tachyata Masning Rhuina and Yudi Kornelis, "Juridical Analysis of the Implementation of Menstrual Leave Rights for Female Workers Related to Law No. 13 of 2003," *Ilmu Hukum Prima* (IHP) 7, no. 1 (2024): 110–117, <https://doi.org/10.34012/jihp.v7i1.5303>.

²⁸ Muhammad As Ari et al., "Training on Contract Work and Legal Protection for Informal Workers," *Tenang: Technology, Education, and Multidisciplinary Service Nusantara Gemilang* 1, no. 1 (2024): 21–27.

²⁹ Ministry of Agriculture, *Annual Report on Work Accidents 2022*.

government needs to increase supervision, socialize information about workers' rights, and encourage companies to implement fairer labor policies. The active role of trade unions in providing education and advocacy is also key in strengthening workers' awareness to fight for their rights.

e. Right to Freedom Of Association

Freedom of association and assembly is a universally recognized fundamental right and an essential element of a democratic society. Article 20 of the Universal Declaration of Human Rights (DUHAM) and the International Covenant on Civil and Political Rights (ICCPR) guarantee the right of individuals to freely form and join organizations or trade unions, as well as to participate in collective activities³⁰ peacefully.

This right not only gives individuals the freedom to express opinions and cooperate in the community, but also becomes a strategic tool to fight for social justice and the welfare of society³¹. In the context of employment, trade unions play a vital role in protecting workers' rights, encouraging fairer policy changes, and empowering communities to eliminate discrimination and improve working conditions. Thus, freedom of association and assembly becomes an important means for individuals and groups to achieve greater common goals and create a more just social order.

The principle of freedom of association is a fundamental right of workers to form and join a trade union, which is an important element of labor law. This principle is regulated in various laws and regulations that are the legal basis for workers to organize, fight for their rights, and actively participate in improving working conditions. Trade unions, or trade unions, serve as a collective forum that protects the interests of workers, both in industrial relations and in the policy-making process that affects their welfare. This emphasizes the importance of freedom of association as an instrument of democracy in the world of work, as well as a guarantee to create social justice and equality in the employment environment.

The establishment of the objectives of trade unions regulated in Article 4 paragraph (1) of Law No. 21 of 2000 shows that although trade unions have freedom, their main objectives are still strongly influenced by government regulations. The three main objectives, which include providing protection, defending rights and interests, and improving the welfare of workers and their families, reflect the essence of the existence of trade unions. This regulation provides a clear direction, but at the same time shows that there are limits on the freedom of trade unions to fully determine their own agenda. However, this influence is not a violation of freedom of association, but rather part of the government's authority to ensure that the objectives of trade unions remain in line with the applicable legal

³⁰ Lukman Hakim and Nalom Kurniawan, "Building the Paradigm of Indonesian Human Rights Law Based on Fundamental Human Obligations," *Jurnal Konstitusi* 18, no. 4 (2022): 869, <https://doi.org/10.31078/jk1847>.

³¹ Tarmudi et al., "Freedom of Association and Assembly in Human Rights Perspective," *Legal Standing: Jurnal Ilmu Hukum* 8, no. 3 (2024): 849-870.

framework. This indicates the need for a balance between freedom of trade unions and arrangements by the government to optimally protect the interests of workers.

Article 104 of Law Number 13 of 2003 provides guarantees for workers to form, join, and participate in trade unions. This right is important to protect the interests of workers and ensure social dialogue between workers and employers. However, the exercise of this right is often hampered by the practice of *union busting*, which is the company's action to weaken or destroy a union. The results of the analysis of the relevant article show that Indonesia still faces many cases of violations of freedom of association in various sectors.

Union busting can be the termination of employment of union members, threats, or pressure on workers who want to join the union. Research by Ibrahim found that unions are often perceived as a threat by companies, so many employers use illegal means to prevent union formation. As a result, workers lose access to voice their interests collectively ³².

To overcome this problem, the government must implement stricter sanctions against companies that are proven to be *union busting*. In addition, a campaign is needed to raise workers' awareness of the importance of freedom of association. International support from institutions such as the ILO can also help strengthen the protection of these rights in Indonesia.

2. Challenges in the Implementation of Workers' Rights

Some of the challenges in the implementation of workers' rights based on the analysis of various problems and the results of relevant research studies on various workers' rights problems are as follows:

a. Lack Of Oversight

Weak supervision is one of the main challenges in the implementation of workers' rights in Indonesia. Governments often struggle to ensure corporate compliance with labor regulations, especially in the informal sector and small companies. The number of employment supervisors available is not proportional to the number of companies that must be supervised. As a result, many labor violations go undetected³³.

Small companies and the informal sector are often "grey zones" in employment supervision. Many of them do not have formal mechanisms in place to manage workers' rights, such as the provision of minimum wages, social security, or rest time. These violations often occur due to the lack of strict sanctions against companies that violate. A study conducted by Suprianto & Mutiarin shows that this weak supervision leads to an increase in cases of worker exploitation³⁴.

³² Zulkarnain Ibrahim, "The Existence of Labor Unions in Improving Worker Welfare," *Jurnal Media Hukum* 23, no. 2 (2017): 150–161, <https://doi.org/10.18196/jmh.2016.0076.150-161>.

³³ Ministry of Agriculture, *Annual Report on Work Accidents 2022*.

³⁴ Arip Suprianto and Dyah Mutiarin, "Evaluation of National Health Insurance Implementation," *Journal of Governance and Public Policy* 4, no. 1 (2017): 71–107, <https://doi.org/10.18196/jgpp.4172>

On the other hand, weak supervision is also influenced by the lack of budget and capacity of local governments to supervise companies. Many areas do not have adequate human resources or technology to effectively monitor labor violations. This condition is further exacerbated by the lack of training and technical support for labor supervisors.

Suboptimal supervision provides room for companies to ignore their obligations to workers. This also causes workers' rights to often become just a "theory" without any real realization on the ground. Therefore, increasing supervisory capacity and imposing stricter sanctions is an urgent step to improve this condition.

Community participation, especially trade unions, can help overcome these oversight challenges. With reports from workers or unions, violations of labor rights can be more easily identified and acted upon. The government also needs to strengthen the mechanism for reporting violations online or through hotlines, so that workers can easily report their cases.

b. Power Imbalance

In industrial relations, the imbalance of power between employers and workers is a significant problem. Employers often have a stronger position financially and legally, so they are able to influence decisions that are detrimental to workers. This imbalance creates a situation where workers struggle to fight for their rights.

This imbalance of power is evident in the process of negotiating employment contracts. Many workers, especially those working in the informal sector or without unions, do not have enough bargaining power to demand decent wages or better working conditions. As a result, employers tend to unilaterally determine the terms of employment, which is often unfavorable for workers³⁵.

Workers who try to fight for their rights often face intimidation or even termination of employment. Union busting, or attempts to weaken unions, is still a common practice in many companies. This further exacerbates the power imbalance, as workers lose an important advocacy tool to defend their rights.

Governments need to play a more active role in reducing this imbalance by strengthening regulations that protect workers. For example, the application of heavier sanctions against companies that carry out union busting or do not comply with labor regulations. In addition, providing incentives to companies that support the balance of industrial relations can also be a solution.

The role of trade unions and civil society organisations is crucial in reducing this power imbalance. By providing training and education to workers about their rights, as well as supporting them in the negotiation process with employers, this power imbalance can be minimized.

³⁵ Kristiawan Putra Nugraha, "Legal Protection and Human Rights of Child Laborers: Implementation and Challenges in the Context of Child Protection Law," *Agama dan Hak Azasi Manusia* 12, no. 2 (2023): 192–194, <https://doi.org/10.46930/jurnalrectum.v4i1.1969>.

c. Controversial Regulatory Revisions

The revision of regulations through the Job Creation Law (*Omnibus Law*) brings new challenges in the implementation of workers' rights. One of the changes that is considered controversial is the flexibility of employment contracts and the ease of layoffs, which are considered to weaken the protection of workers' rights. These articles create uncertainty for workers regarding employment status and legal protection.

Criticism of the Job Creation Law comes from various parties, including labor unions and academics. This revision gives too much leeway to employers without taking into account the balance of workers' interests. For example, the removal of the limit on the number of employment contract extensions makes contract workers more vulnerable to exploitation³⁶.

The flexibility of employment contracts introduced by the Job Creation Law also has an impact on job stability. Contract workers often do not get the same rights as permanent workers, such as social security, annual leave, or severance pay. This exacerbates the economic uncertainty experienced by workers and their families³⁷.

In addition, the ease of layoffs regulated in the Job Creation Law creates concerns among workers. With reduced legal protections against unilateral layoffs, workers become more vulnerable to losing their jobs without adequate compensation. This condition creates a sense of insecurity that negatively impacts the productivity and welfare of workers.

To address this controversy, the government needs to consider revising the Job Creation Law by involving the active participation of trade unions and civil society. In addition, there needs to be complementary policies that provide stronger protections for contract workers and more effective oversight mechanisms to prevent abuse of the rules.

d. Lack Of Employee Awareness

Workers' lack of awareness of their rights is a major challenge in the implementation of labor regulations. Many workers, especially in the informal sector, do not understand basic rights such as minimum wage, social security, or rest time. This condition makes them vulnerable to exploitation and violations by employers.

Research by Anindya & Damayanti shows that the level of legal literacy of workers in the informal sector is still very low. Many of them are unaware of the existence of regulations such as the Employment Law or social security programs

³⁶ Munadhil Abdul Muqsih, "The Controversial Omnibus Law," 'Is 4, no. 3 (2020), <https://doi.org/10.15408/adalah.v4i3.17926>.

³⁷ Christin Lady Matindas, "Legal Analysis of Employment Protection Based on Law No. 13 of 2003," *Lex Privatum* 6, no. 3 (2018): 149–157.

such as BPJS. This ignorance is often used by entrepreneurs to ignore their obligations³⁸.

This lack of awareness is also influenced by the lack of education from the government and trade unions. Socialization programs on workers' rights often do not reach the most vulnerable groups of workers, such as freelance day laborers or workers in remote areas. As a result, many workers do not have enough tools or information to fight for their rights.

To increase worker awareness, a broader and focused education campaign is needed. The government can work with trade unions, non-governmental organizations, and the media to disseminate information about labor rights. Training and seminars can also be carried out regularly to improve workers' legal literacy.

A higher awareness of workers' rights not only benefits individuals, but also strengthens the collective position of workers in industrial relations. By understanding their rights, workers can be more confident in demanding compliance from employers and pushing for fairer policy changes at the national level.

3. Solutions to Improve Protection of Workes Right

Some of the solutions in improving the protection of workers' rights based on the analysis of various problems and the results of relevant research on workers' rights are as follows³⁹:

a. Strengthening Supervision and Law Enforcement

One of the main steps to improve the protection of workers' rights is to strengthen the system of supervision and law enforcement. The government needs to increase the number of competent labor supervisors and expand the scope of supervision, especially in the informal sector and small enterprises. Stricter supervision can ensure that employment regulations are properly followed by companies and provide better protection for workers. In addition, stricter sanctions need to be applied to companies that violate workers' rights, both related to wages, working hours, and unsuitable working conditions.

Law enforcement should also include the implementation of clear and transparent regulations regarding workers' rights. For example, the rules governing the provision of living wages, the right to annual leave, and protection from discrimination. The government can work with independent watchdogs or civil society organizations to ensure that these rules are enforced on the ground. In the long run, this increased law enforcement will create a more equitable and humane employment climate.

³⁸ Salma Elsa Anindya and Ratih Damayanti, "Legal Protection of Workers' Rights and Obligations in Indonesia: Challenges and Solutions," *Media Hukum Indonesia* 2, no. 4 (2024): 572–579.

³⁹ Hendra Hermawan and Ichwan Setiawan, "Severance Pay Reductions Due to the Implementation of the Omnibus Law on Job Creation in Electronics Companies in Cibitung Industrial Zone," *Focus* 5, no. 2 (2024): 145–157, <https://doi.org/10.37010/fcs.v5i2.1647>.

b. Counseling and Education on Workers' Right

It is important to raise workers' awareness of their rights. More intensive counseling through training, seminars, and information campaigns can be carried out by the government, trade unions, and community organizations. Workers need to be given a deep understanding of the basic rights protected by law, such as minimum wage, social security, annual leave, as well as the right to be free from discrimination. With this increased awareness, workers will be better prepared to fight for their rights when violations occur.

Counseling also needs to be targeted at the most vulnerable groups of workers, such as workers in the informal sector, freelance day laborers, and women workers. Given that these workers are often underinformed about their rights, relevant and accessible education is essential. In addition, counseling can be carried out periodically through various media, both in person and online, to reach more workers.

c. Increasing The Role Of Trade Unions

Trade unions play a very important role in fighting for workers' rights. Therefore, strengthening trade unions through education and training is one of the effective solutions to improve the protection of workers' rights. Unions must have better ability to advocate and negotiate, as well as fight for policies that benefit workers.

Unions can also play a role in providing legal aid for workers who face problems with employers. With the support of the unions, workers have a forum to voice their grievances and fight for their rights at the company level or even in national forums. Therefore, the government and employers need to work together with trade unions to create an atmosphere conducive to workers' welfare.

d. Preparation Of More Progressive Adaptive Regulations

The preparation of regulations that are more progressive and adaptive to the development of the times is also the key to increasing the protection of workers' rights. Some existing regulations, such as the Job Creation Law, have drawn criticism for being considered to weaken worker protections, especially in terms of flexibility in employment contracts and ease of layoffs. Therefore, revisions to existing regulations need to be carried out by involving various parties, including trade unions, employers, and employment experts.

New regulations that are more pro-worker could include protections for contract workers, strengthening the rights of women workers, and providing more inclusive social security. In addition, policies that govern better working conditions, such as a healthy and safe work environment, should be strengthened. This worker-friendly regulation will ensure that workers' rights remain protected despite changes in the work structure due to technology or globalization.

e. Strengthening Collaboration between Government, Employers, and Workers

Collaboration between the government, employers, and workers is essential to create a fair labor system. Social dialogue between these three parties must be well facilitated so that the policies taken can accommodate the interests of all parties. For example, when it comes to setting working hours, wages, and working conditions, there needs to be a mutual agreement that benefits both workers and employers.

The government can act as a facilitator in creating a space for constructive dialogue between employers and workers. With open communication, misunderstandings can be minimized, and the resulting policies are more acceptable to all parties. In addition, employers also need to be given an understanding of the importance of creating a healthy and safe work environment, which is not only beneficial for workers but also for company productivity.

D. Conclusions and Recommendations

Based on the results of the research analysis carried out, the conclusion is that the rights of workers in Indonesia which include the right to a living wage, social security, decent working conditions, rest and leave, and freedom of association have been regulated in various regulations such as Law Number 13 of 2003 concerning Manpower and other related laws. However, the implementation of these rights still faces various challenges, including weak supervision, lack of corporate compliance, low awareness of workers of their rights, and lack of education and strengthening of the role of trade unions.

To overcome this obstacle, strategic steps are needed in the form of increasing government supervision, disseminating information related to workers' rights, providing incentives for compliant companies, and strengthening social dialogue between workers, employers, and the government. With these improvements, it is hoped that workers' rights can be optimally protected, improve their welfare, and support sustainable economic growth.

BIBLIOGRAPHY

A. Books

- Irawan, Nuryansyah. *Labor Exploitation: Dynamics and Legal Protection of Dual Positions in Group Companies*. Yogyakarta: Deepublish, 2024.
- Mahawati, Eni, et al. *Analysis of Workload and Work Productivity*. Semarang: Yayasan Kita Menulis, 2021.
- Sinambela, Lijan Poltak. *Human Resource Management: Building a Solid Work Team to Improve Performance*. Jakarta: Bumi Aksara, 2021.
- Syahrum, Muhammad. *Introduction to Legal Research Methodology: Studies on Normative, Empirical Research, Proposal Writing, Thesis and Dissertation Reports*. Riau: CV. Dotplus Publisher, 2022.

B. Journals

- Agus, Dede. "Development of Labor Social Security Regulations for Legal Protection of Workers." *FIAT JUSTISIA: Jurnal Ilmu Hukum* 8, no. 1 (2015): 53–68.
<https://doi.org/10.25041/fiatjustisia.v8no1.286>.
- Anindya, Salma Elsa, and Ratih Damayanti. "Legal Protection of Workers' Rights and Obligations in Indonesia: Challenges and Solutions." *Media Hukum Indonesia* 2, no. 4 (2024): 572–579.
- Ayu, Dian, Nurul Muthoharoh, and Ari Wibowo. "Return to Work as a Form of Work Accident Insurance at the Social Security Agency (BPJS) for Employment." *Rewang Rencang: Jurnal Hukum Lex Generalis* 1, no. 2 (2020): 1–21.
<https://doi.org/10.56370/jhlg.v1i2.82>.
- Farisa, Fitria Chusna. "The Controversial Path of the Omnibus Law: Passed in Haste, Even Amid Heavy Opposition." *Kompas.com*, 2023.
- Haidar, Ahmad Fadhil, Rizky Sri Hapsari, and Rr. Luh Sekar Nur Sukmawati. "Labor Law Violations Analysis (Case Study of PT. Indonesia Bakery Family)." *Jurnal Hukum, Politik dan Ilmu Sosial* 3, no. 2 (2024): 398–408.
<https://ejurnal.politeknikpratama.ac.id/index.php/jhps/article/view/3841>.
- Hermawan, Hendra, and Ichwan Setiawan. "Severance Pay Reductions Due to the Implementation of the Omnibus Law on Job Creation in Electronics Companies in Cibitung Industrial Zone." *Focus* 5, no. 2 (2024): 145–157.
<https://doi.org/10.37010/fcs.v5i2.1647>.
- Ibrahim, Zulkarnain. "The Existence of Labor Unions in Improving Worker Welfare." *Jurnal Media Hukum* 23, no. 2 (2017): 150–161.
<https://doi.org/10.18196/jmh.2016.0076.150-161>.
- Matindas, Christin Lady. "Legal Analysis of Employment Protection Based on Law No. 13 of 2003." *Lex Privatum* 6, no. 3 (2018): 149–157.
- Muqsith, Munadhil Abdul. "The Controversial Omnibus Law." *'Adalah* 4, no. 3 (2020).
<https://doi.org/10.15408/adalah.v4i3.17926>.
- Ningrum, Shinta Setya. "Analysis of the Effect of Open Unemployment Rate, Human

Development Index, and Minimum Wage on Poverty in Indonesia (2011–2015).” *Jurnal Ekonomi Pembangunan* 15, no. 2 (2017): 184. <https://doi.org/10.22219/jep.v15i2.5364>.

Purwaningsih, Erwin. “Policies Related to the Health Crisis: Analysis of Health Workers’ Needs During the COVID-19 Pandemic in Indonesia.” *Jurnal Kebijakan Kesehatan Indonesia* 12, no. 2 (2023): 66. <https://doi.org/10.22146/jkki.80590>.

Saputra, Yoga Kurniawan, and Yoga Guntur Sampurno. “Analysis of Occupational Health and Safety Implementation in Light Vehicle Engineering Competency at SMK N 1 Sedayu.” *Jurnal Pendidikan Vokasi Otomotif* 5, no. 1 (2022): 71–80.

Siregar, Denny Jeremia. “Acquisition and Retention of BPU Membership: Maintaining Labor Social Security.” *Jurnal Jamsostek* 2, no. 2 (2024): 163–184. <https://doi.org/10.61626/jamsostek.v2i2.20>.

Suprianto, Arip, and Dyah Mutiarin. “Evaluation of National Health Insurance Implementation.” *Journal of Governance and Public Policy* 4, no. 1 (2017): 71–107. <https://doi.org/10.18196/jgpp.4172>.

Tarmudi, Gatot Subroto Widagdo, Rengga Kusuma Putra, Geofani Milthree Saragih, and Risky Amelia. “Freedom of Association and Assembly in Human Rights Perspective.” *Legal Standing: Jurnal Ilmu Hukum* 8, no. 3 (2024): 849–870.

Yuditia, Aria, Yusup Hidayat, and Suparji Achmad. “Implementation of National Health Insurance by BPJS Based on Law No. 40 of 2004 on the National Social Security System.” *Jurnal Magister Ilmu Hukum* 6, no. 1 (2021): 43. <https://doi.org/10.36722/jmih.v6i1.796>.

C. Theses

Aziz, M. “Legal Protection for Firefighters’ Workplace Safety According to Law No. 13 of 2013 and Islamic Law.” Master’s thesis, Universitas Islam Raden Fatah, 2018.

Nurjanah, Maya Sari. “Analysis of the Influence of Labor, Unemployment, and GRDP on Poverty in North Kalimantan.” Master’s thesis, Universitas Borneo Tarakan, 2024.

D. Reports

International Labour Organization (ILO). *Indonesia Labour Overview Report*. Geneva, 2021.

Ministry of Manpower of the Republic of Indonesia. *Annual Report on Workplace Accidents 2022*. Jakarta: Ministry of Manpower of the Republic of Indonesia, 2023.

E. Online Articles

Farisa, Fitria Chusna. “The Controversial Path of the Omnibus Law: Passed in Haste, Even Amid Heavy Opposition.” *Kompas.com*, 2023.