

The Application of Non-Discriminatory Principle of Age Limit for Job Seekers in Indonesia

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Abstract. *The application of the non-discriminatory principle of the age limit for job seekers in Indonesia is an important issue in an effort to realize justice and equality of employment opportunities. The age limit on job vacancies is a provision made by some companies regarding the age range of job applicants to be able to apply for jobs. The practice of age restriction in the recruitment process is still widely found, even though it has been prohibited in article 5 of Law No. 13 of 2003 concerning Manpower and the Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025. This study aims to examine the application of the principle of non-discrimination in the labor recruitment process and sanctions if the principle is not applied. In this study, normative legal research methods are used using a statute approach, a comparative approach, and a conceptual approach. The results of this study show that the application of the principle of non-discrimination in the labor recruitment process in Indonesia has not been fully effective due to weak supervision. The application of the principle of non-discrimination must not conflict with Law No. 13 of 2003 concerning manpower and Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection which, if violated, can result in sanctions. Therefore, there is a need to strengthen the role of supervisory institutions as an effort to create an objective, fair, inclusive labor recruitment process that focuses on the competencies or skills of applicants regardless of age limits.*

Keywords: *Age Limit; Job Seekers; Non-Discriminatory; Sanction.*

1. Introduction

The state has an obligation to ensure the safety and tranquility of every citizen and ensure that their rights are safeguarded and free from all forms of degrading treatment. This protection knows no limits to the rich or ordinary people. In order to become a provision that everyone must comply with and have legal binding, a state protection of its citizens must be poured into legislation. Indonesia, as one of the countries that strongly upholds the values of justice, has observed the protection of every citizen in the 1945 Constitution of the Republic of Indonesia

article 28 D paragraph 1 which reads "everyone has the right to fair legal recognition, guarantee, protection, and certainty as well as equal treatment before the law".(RI, 1945)The order of the article shows that the guarantee of legal protection is a must to be carried out.

The scope of protection of Indonesian citizens includes several aspects that are no exception, namely the aspect of getting a job that is appropriate and according to interests without any discrimination. This is mandated in Article 5 of the Law of the Republic of Indonesia No. 13 of 2003 concerning Manpower which reads "Every worker has the same opportunity without discrimination to get a job".(Undang - Undang RI No 13 tahun 2003, 2003) The labor recruitment process should be carried out by applying a non-discriminatory principle that focuses more on the applicant's competence or skills regardless of the age limit as written in Article 5 of Law No. 13 of 2003 concerning Employment which is explained in more detail through the Employment Meter Circular Letter No. M/6/HK.04/V/2025 at number 2 which reads "employers are prohibited from discriminating on any basis in the recruitment process labor."(Menteri Ketenagakerjaan Republik Indonesia, 2025) However, in practice, there are still many recruitment processes that require a job seeker's age limit. The age limit as a condition for looking for a job causes its own problems for job seekers. Especially in the opportunity to work for job seekers who do not meet the age qualifications.

The principle of non-discrimination, deeply rooted in the Indonesian constitutional framework, mandates that every citizen be afforded the right to work and a humane livelihood without prejudice. Specifically, Article 27 paragraph (2) of the 1945 Constitution (UUD 1945) sets the foundational guarantee for equal employment opportunities. However, the operationalisation of this principle, particularly in relation to maximum age limits imposed on job seekers, has historically presented a significant legal and practical incongruity within the nation's labour market.

The primary legislation governing employment, Law No. 13 of 2003 on Manpower, while affirming the right to equal opportunity and treatment in Article 5, simultaneously allows employers, per Article 35 paragraph (1), to recruit the workforce they require. This latter provision has frequently been exploited to justify subjective hiring criteria, including the widespread practice of setting arbitrary maximum age cut-offs. The common occurrence of job advertisements specifying "maximum 30 years old" has demonstrably prejudiced highly qualified older candidates, creating a structural barrier that is inconsistent with the constitutional spirit of equal access. Furthermore, a critical observation arises from judicial review, such as in the context of Constitutional Court Decision No. 35/PUU-XXII/2024, which highlighted that age is not explicitly enumerated as a prohibited ground for discrimination within the Manpower Law's definition, thereby creating a legal vacuum that has allowed age-based discrimination to persist largely unchecked. This legal landscape has fostered a culture where competency is often sidelined in favour of an arbitrary age requirement.

Based on a report by the Central Statistics Agency entitled "The state of Indonesia's employment in February 2025" (Statistik, 2025) on Monday, May 5, 2025. It is recorded that the number of unemployed in Indonesia in February 2025 has escalated from the same description by BPS in the previous year. Which is where unemployment is dominated by 15-24 years old as much as 16.16%. With the existence of an age limit as a condition for finding a job, it has a great effect on causing structural unemployment.

This study aims to be able to find out how and to what extent the application of the non-discriminatory principle of the age limit of job seekers in the labor recruitment process in Indonesia, identify the factors that cause the non-application of the non-discriminatory principle, and what are the legal consequences of not applying the non-discriminatory principle age limit for job seekers in Indonesia. This research is important to contribute to the strengthening of the application of non-discriminatory principles and a series of procedures to labor search companies in the process of finding labor with their rights and obligations. So that a fair recruitment process can be created for job seekers and the realization of a fair and balanced employment relationship between job seekers and job seekers/companies.

2. Research Methods

The type of research was normative legal research. Normative legal research is research that uses methods by analyzing laws and regulations, principles, norms, concepts, and opinions of legal experts to answer legal problems. Peter Mahmud Marzuki explained that normative law research is a stage to produce an argument, or new theory or idea as an assessment in the problem at hand. (Marzuki, 2005, p. 35) Normative legal research is perspective that only looks at the perspective of norms. Thus, this research focuses on concepts that are then developed on the basis of norms or legal doctrines that are adopted.

This study adopts various approach methods. The first is the statute approach. which means "examining relevant laws and regulations and looking for the ratio legis of the birth of a law". (Marzuki, 2005, pp. 133–134) This approach focuses on analyzing the principle of non-discrimination of age in the Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025. Second, the comparative approach. This approach is used to examine and compare Indonesian legal rules related to policies that regulate the principle of non-discriminatory age of job search requirements with international legal rules. Third, namely the conceptual approach. By delving into various views, views or doctrines in legal science, researchers will find thoughts that form legal understanding, legal concepts, and legal principles that are relevant to the problems at hand. (Marzuki, 2005, pp. 133–134) This approach was used to conduct a conceptual study on the application of the non-discriminatory principle of age in the requirements for finding work in Indonesia. Because the current rules have not been maximized in preventing age discrimination, the requirements for finding a job.

3. Result and Discussion

3.1. Application of the principle of non-discrimination of the age limit for job seekers in Indonesia

Indonesia is a developing country with 284,438.8 people, of which according to data from the Central Statistics Agency in February 2025, the majority of the population works as laborers. (Statistik, 2025) The increase in the majority of the workforce who work as laborers is due to the large number of Vocational High School or Bachelor graduates equipped with knowledge who are ready to work in the industrial sector. With Indonesia's geographical conditions rich in oil, gas and minerals as well as human resources who are ready to work have a positive impact on Indonesia. Where this can attract foreign investors to invest or establish a company.

The development of investment in Indonesia, especially in the industrial sector, brings many benefits both in terms of government that can boost economic development and for people who depend on the industrial sector. However, behind its far-reaching impact, this development also poses new challenges, especially competition in obtaining jobs in the industrial sector. The real form of competition in the industrial sector is the increasing number of new graduates who are equipped with readiness to work in the industrial sector, the lack of existing job vacancies and the existence of age restrictions on job vacancies. This can lead to structural unemployment.

The age restriction of job seekers in job vacancies can be said to be a form of age discrimination, where a job seeker does not get the same opportunities when it comes to finding a job. In the Law and in International Conventions, discrimination can be said to be a form of exclusion or differentiation based on social status, religion, gender or age. (Hotmartua Simanullang et al., 2024, p. 73) In terms of labor recruitment, the principle of non-discrimination should be applied.

The principle of non-discrimination is a foundation or can be said to be broadly stated as the basis for thinking about anti-discriminatory actions. According to experts, legal principles are a core part of the formation of laws and the development of laws to create a higher level of legal rules in order to achieve justice. (Kholis, n.d., p. 219) Basically, the principle of non-discrimination aims to generalize the position of human beings in realizing justice in all aspects ranging from social to economic. (Anisatul Hamidah, 2021, p. 680) The application of the principle of non-discrimination in job recruitment is a tangible manifestation of justice. However, there are still many companies in Indonesia that apply age restrictions on job vacancies both in the private sector and in the state-owned sector. This often overrides the skills and competencies of job seekers and prioritizes age criteria.

The application of the non-discriminatory principle regarding age limits for job seekers in Indonesia is a complex issue defined by the gap between constitutional ideals and practical realities, a dynamic that requires deeper analytical context. While the 1945 Constitution guarantees every citizen the fundamental right to equal employment, the primary labour statute, Law No. 13 of 2003 on Manpower, failed to explicitly name age as a protected category

against discrimination. This statutory omission created a crucial "legal vacuum," which the Constitutional Court (MK) was constrained to acknowledge in judicial reviews like Decision No. 35/PUU-XXII/2024. The Court's position confirmed that although ageism contradicts the constitutional spirit of equality, the specific prohibition was absent from the written law, allowing discriminatory practices to continue legally.

Beyond this legal ambiguity, the persistent use of arbitrary age limits—most commonly setting the maximum at 30—is fueled by several economic and cultural drivers. Economically, many companies, especially Small and Medium Enterprises, often perceive older, more experienced candidates as carrying higher salary and benefits costs, leading them to favor younger staff as a means of improving cost efficiency. Culturally and operationally, a prevalent, though often unfounded, belief persists that younger employees demonstrate superior digital literacy and adaptability to rapid technological change. Furthermore, the strong emphasis on age-based seniority (*senioritas*) within many Indonesian corporate structures can make it challenging to integrate older individuals into roles subordinate to younger managers, leading companies to restrict hiring ages simply to maintain a simpler organizational hierarchy and respect structure.

To bridge this substantial gap, the government issued the Circular Letter (SE Menaker) No. M/6/HK.04/V/2025. This crucial executive action serves as an immediate policy stopgap, urging employers nationwide to pivot towards competency-based recruitment and eliminate age specifications. However, as a *Surat Edaran* or "soft law," the Circular's current enforcement power is limited; it relies on voluntary compliance and does not immediately impose explicit administrative sanctions like fines for non-adherence. This necessitates a transition to "hard law." Therefore, the effective long-term application of the non-discriminatory principle hinges on the government's next step: formalizing the Circular into a binding Ministerial Regulation that would attach clear penalties to discriminatory age requirements, thereby transforming a strong policy directive into an enforceable legal mandate. This legislative evolution is essential to ensure that a job seeker's merit and capability are the sole determinants of employment opportunity.

In an effort to rectify this policy gap and enhance labour market inclusivity, the government has recently undertaken a decisive intervention. The issuance of the Circular Letter of the Minister of Manpower (SE Menaker) No. M/6/HK.04/V/2025 marks a pivotal moment. This policy instrument explicitly instructs employers to cease the inclusion of discriminatory criteria, notably age limits, in their recruitment processes. The core intent is to pivot the recruitment paradigm towards a fair, objective, and competency-based assessment. Under this directive, an individual's suitability for a role must be determined by their skills, experience, and capability to perform the job functions, not by an arbitrary numerical age criterion.

Crucially, the Circular acknowledges that exceptions to this prohibition must be narrow and objectively justified. Age-based criteria are only deemed permissible when the inherent nature or specific characteristics of the job can be demonstrably shown to be impacted by a candidate's

age. Even in such cases, the requirement must not unduly restrict the general employment opportunities available. This careful delineation seeks to enforce the non-discriminatory principle while accounting for highly specific occupational necessities.

The discrimination age limit on job vacancies in Indonesia does not only affect job seekers with an average age of 26 to 35 years. However, discrimination age restrictions also affect young job seekers in the age range of 18 to 20 years. For example, in job vacancies at PT. BEHAESTEX Marketing Admin position which was published on October 10, 2025 through the job vacancy instagram site under the name "lokergresikinfo" lists the maximum age limit requirement of 28 years with D3 educational qualifications for all majors and a minimum of 1 year of experience.(Lokergresikinfo, 2025) This is a real form of age discrimination where a person with 1 year or more experience as a marketing admin cannot apply for a job if he is over 28 years old. In some SOE recruitment processes, there is also still age discrimination as in PT. PLN which was published on October 1, 2025 through the Instagram website under the name "disnakerja" which requires D3 graduates under the age of 25 years and for S1 graduates under the age of 27.(Disnakerja, 2025) Age restrictions also occur for young vulnerable job seekers such as in job vacancies at PT. Sun Power Ceramics was informed through an Instagram platform called "industrycareer" on October 11, 2025 which is the minimum limit of 25 years old workers as operators.(Industrycareer, 2025) The minimum age restriction without any specific skill specification causes new graduates who are ready to work to lose the same opportunity to get a job.

Indonesia has regulated discrimination prohibitions on employment enshrined in laws and regulations or in ratified International Conventions, which state in general that every person or individual has the right to equal opportunities. These rules can be found in:

1. The 1945 Constitution article 28D paragraph 2 which reads

"Everyone has the right to work and to be rewarded and treated fairly and decently in employment relationships."(RI, 1945)

2. Law No. 39 of 1999 concerning Human Rights articles 1 and 2 which reads

(1) "Every citizen, according to his talents, abilities, and abilities, is entitled to decent employment".

(2) "Everyone has the right to freely choose the job he likes and is also entitled to fair employment conditions".(P. R. Indonesia, 1999)

3. Law No. 21 of 1999 concerning the Ratification of ILO Convention No. 111 Concerning Discrimination in Respect of Employment and Occupation (ILO Convention Concerning Discrimination In Employment And Position)(Peraturan Pemerintah, 2021)

4. Law No. 11 of 2005 concerning the Ratification of the International Covenant on Economic, Social and Cultural Rights (International Covenant On Economic, Social And Cultural Rights)(Pemerintah RI, 2005)

Regarding the discrimination of the age limit for job seekers, it is regulated more specifically in Law No. 13 of 2003 concerning Manpower Article 5 which reads "Every worker has the same opportunity without discrimination to get a job".(Undang - Undang RI No 13 tahun 2003, 2003) This is then supported by the issuance of the Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025 on May 25, 2025 to serve as a guideline for companies in conducting the recruitment process. Not only regulated in the Manpower Law No. 13 of 2003, the government guarantees every citizen to get a job, as well as receive fair and decent remuneration and treatment in employment relations as stated in Article 3 letter b of Law No. 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law No. 2 of 2020 concerning Job Creation into Law.(Republik Indonesia, 2023) However, in practice in the field, there are still many companies that include age limits in the labor recruitment process. Companies are of the view that there is a need to limit the age of prospective workers because older workers are considered difficult in terms of development and more focused on their own way of getting work done and younger workers are considered to be still much inexperienced.

The application of the non-discriminatory principle of the age limit for job seekers in Indonesia can be said to have not been properly realized which may be the cause of the still high unemployment rate in Indonesia. Although the application of the principle of non-discrimination of the age limit for job seekers has not been well realized, the application of the principle of non-discrimination in the recruitment process must still pay attention to legal principles, which in the name of its application must be in harmony and not contradictory with the law.(Susilo Andi Darma, 2017, p. 227) The application of the non-discriminatory principle is not necessarily to provide space for companies to be free to hire minors. Although it is not clearly regulated in the 1945 Constitution. However, the Government has set principles regarding the minimum age of workers to protect children from exploitation as workers.(Meisatari et al., 2025) These rules or principles are expressly contained in:

1. Law No. 13 of 2003 concerning Manpower

- (1) Article 68 which expressly regulates the prohibition for employers to employ children and
- (2) 69 which contains an exception for children aged 13 to 15 to be able to do light work that does not interfere physically, mentally or socially with the provision that there must be parental permission, a maximum working time of 3 hours during the day, and a clear wage

2. Law of the Republic of Indonesia No. 20 of 1999 concerning the Ratification of ILO Convention No. 138 Concerning Minimum Age For Admission to Employment (R. Indonesia, 1999)

3. Law of the Republic of Indonesia No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection

- (1) Article 59 paragraph 1 and paragraph 2 letter (d) which states that all state institutions are obliged to protect children who are economically exploited,
- (2) Article 66 letter (c) which states the involvement of the Company and the community in the elimination of child economic exploitation
- (3) Article 76I which expressly regulates the prohibition for anyone to commit, allow or even order economic exploitation of children

With the geographical conditions Indonesia is rich in oil, gas and minerals that are able to attract foreign investors to invest in Indonesia. Thus, optimizing labor absorption by applying non-discriminatory principles must be a serious concern for the government in order to create equality for the community so that they can get jobs without discrimination and to prevent the practice of exploitation of minors in the workplace.

3.2. As a result of the law, the non-discriminatory principle of the age limit for job seekers is not applied

The legal regulations that regulate labor issues and their rights in Indonesia, especially Law Number 13 of 2003 concerning Manpower which is supported by the Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025 which regulates the recruitment process without discrimination, have not been able to fully overcome the labor recruitment process that prioritizes age criteria compared to competencies. This creates a serious legal gap, where existing laws cannot create compliance. Job seekers who are most affected by the age limit for job seekers are vulnerable to the age of 26 to 30 years, which is often considered too old for some companies or too young and lacks experience in other companies. (Ardhana et al., 2025, p. 1028) Referring to several sources such as the WHO or the ILO Convention, vulnerable age 15-65 years is still included in the productive age, which should be able to eliminate the assumption of being too young or too old. (Lukman Nul Hakim, 2018, p. 50) Some companies think that the age limit requirement is indispensable because applicants whose age meets the company's criteria can be faster in absorbing technological advances and can be easily formed to suit the prevailing culture in the company.

Basically, a worker will do whatever is ordered by his superior, which does not look at the age limit between the giver of the order and the receiver of the order. In a common agreement is an agreement that includes an order, where a person who works (labor) agrees to be bound by another party (company) or employer and is ready to accept orders according to Standard Operating Procedures by superiors or people appointed by the company. (Rachmad Budiono, 2012, p. 138) This proves a clearer picture that a vulnerable worker aged 26 to 30 years or a vulnerable worker who is younger or older will always be ready to be formed to follow the company culture in accordance with the agreed employment agreement.

The company's assumption that the age limit requirement is indispensable because applicants whose age meets the company's criteria can be faster in absorbing technological advances and can be easily formed to suit the prevailing culture in the company is very contrary to the value of justice norms.(Pangestu, 2024, p. 251) Where a person does not get the same opportunities in terms of job competition and must be eliminated even before applying for a job just because of the age factor. Indonesia has regulated in a complex manner in Law No. 13 of 2003 concerning coaching, staffing, investigation and sanctions for companies who violate the provisions of the Law. The witnesses given depend on the type of offense committed. This can be seen in the VXI chapter on criminal provisions and administrative sanctions.

Referring to Law No. 13 of 2003 concerning Manpower, the principle of non-discrimination is contained in article 5 which states that everyone has the right to get a job without discrimination. If the rules are not complied with, sanctions can be imposed as stated in article 190 paragraph (2), namely:

- a. reprimand;
- b. written warning;
- c. restrictions on business activities;
- d. freezing of business activities;
- e. revocation of consent;
- f. cancellation of registration;
- g. temporary suspension of part or all of the means of production;
- h. revocation of permits.

Although it already has complex rules ranging from general provisions, prohibitions, coaching, supervision, investigation to sanctions, its implementation is still far from being implemented properly. Based on a report by the Central Statistics Agency entitled "The State of Indonesia's Employment in February 2025"(Statistik, 2025) on Monday, May 5, 2025. It is recorded that the number of unemployed in Indonesia in February 2025 has escalated from the same description by BPS in the previous year. Restrictive or discriminatory actions regarding age in the world of work are a tangible form of violation of the rights of job seekers, which should be treated without any age limit. However, labor seeking companies must also continue to comply with the rules regarding the minimum age limit so that there is no exploitation of minors regarding work which if violated can be imposed administrative or criminal sanctions. The rule is clearly written in Article 88 of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which states "Every person who violates the provisions as referred to in Article 76l, shall be sentenced to imprisonment for a maximum

of 10 (ten) years and/or a fine of a maximum of IDR 200,000,000.00 (two hundred million rupiah)". (Presiden Republik Indonesia, 2014)

The right to equality in terms of finding work is a fundamental right recognized by the constitution for all Indonesian people in the 1945 Constitution which must be applied in accordance with the conditions of their citizens. (Subrianto & Apriani, 2022, p. 435) In the context of the application of the principle of non-discrimination of the age limit for job seekers by companies in Indonesia, the government should further increase better and more structured supervision to increase supervision to companies in remote areas to enforce the law. The Department of Manpower which is the mediator between companies and job seekers must review companies in their area more often so as not to violate the law and create better working relationships.

The implementation of the non-discriminatory principle concerning age limits for job seekers in Indonesia represents a crucial point of tension between constitutional guarantees and entrenched recruitment practices. While the 1945 Constitution firmly secures every citizen's right to work and a humane livelihood, the practical execution of this ideal has been complicated by the Law No. 13 of 2003 on Manpower. This law, despite affirming the right to equal opportunity, has historically permitted a legal loophole by allowing employers to recruit the workforce they need, an allowance often interpreted as justifying the imposition of arbitrary age cut-offs. These requirements, frequently setting the maximum age at 30, have systematically excluded qualified older candidates, creating a persistent pattern of ageism that directly contravenes the spirit of non-discrimination.

A significant shift, however, emerged with the issuance of a Ministerial Circular Letter (SE Menaker) No. M/6/HK. 04/V/2025. This progressive directive explicitly prohibits the inclusion of age limits in job advertisements, signaling a strong government commitment to a more inclusive labor market. The core message of the Circular is the transition toward competency-based recruitment, where skills and merit, rather than personal attributes irrelevant to the job, should determine a candidate's suitability. While this prohibition is broad, it wisely acknowledges limited, objective exceptions: age-based criteria are permissible only when the nature or characteristics of the job are demonstrably and inherently impacted by an individual's age, and critically, this requirement must not unduly restrict general employment opportunities.

Despite this positive intervention, the Circular Letter, being a policy guideline rather than a regulation with explicit penalties, faces the challenge of deeply entrenched cultural resistance to change in recruitment practices. Its effective application relies heavily on the voluntary compliance of employers. To cement this policy, the government is anticipated to take further, more binding steps, including developing a Ministerial Regulation that formalizes the prohibition with clear sanctions and potentially revising the Manpower Law to unequivocally list age as a prohibited ground for discrimination. These measures are necessary to close the existing legal

gap and ensure that a job seeker's capability and competence are the only determining factors in securing employment, creating a fairer and more competitive Indonesian labor environment.

4. Conclusion

Job Seeker Age Restriction is a discriminatory act that eliminates opportunities for others to get a job. It can be said that the application of the principle of non-discriminatory age limit for job seekers has not been properly realized even though there has been Law No. 13 of 2003 concerning Manpower and the Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025 which regulates it. Discriminatory actions on the age limit are one of the causes of the large number of structural unemployment. Although there have been clear rules and sanctions, the narration is still far from good because according to a report by the Central Statistics Agency entitled "The State of Indonesia's Employment in February 2025" (Statistik, 2025) on Monday, May 5, 2025. It is recorded that the number of unemployed in Indonesia in February 2025 has increased. The right to equality in terms of finding work is a fundamental right recognized by the constitution for all Indonesian people in the 1945 Constitution which must be applied in accordance with the conditions of their citizens. The government should increase supervision and the directorate more often to review directly with the company so that there are no violations of the law and the creation of good working relationships. The Circular Letter No. M/6/HK.04/V/2025 represents a progressive and necessary policy step toward aligning employment practices with Indonesia's constitutional guarantees. However, as a policy guideline, its long-term efficacy is contingent upon achieving widespread behavioural change across both domestic and multinational enterprises operating within the jurisdiction. The lack of explicit punitive sanctions currently associated with the Circular necessitates subsequent legislative action. Therefore, the effective and enduring application of the non-discriminatory principle concerning age limits is expected to require further legislative reform, potentially culminating in a more binding Ministerial Regulation or an amendment to the Manpower Law itself. Only through such firm legal codification can the nation ensure that a job seeker's merit and capability definitively supplant age as the primary determinant in securing gainful employment, thereby fulfilling the constitutional mandate of equal opportunity for all citizens.

5. References

Book:

Peter Mahmud Marzuki, 2005. *"Penelitian Hukum (Edisi Revisi)"*. Jakarta : Prenadamedia Group.

Journals:

Ardhana, Argi Yhudin Avri,dkk. Analisis Pengaruh Pembatasan Usia Kerja terhadap Tingkat Pelamar Kerja Indonesia, *Jurnal Ilmiah Ekonomi dan Bisnis*, Vol. 3, No. 4, 2025. <https://doi.org/10.57141/kompeten.v3i4.155>

Budiono, Abdul Rachmad. Makna "Perintah" Sebagai Salah Satu Unsur Hubungan Kerja Menurut Undang-Undang No. 13 Tahun 2013 Tentang Ketenagakerjaan, *Jurnal ARENA HUKUM*. Vol.

6, No. 2, 2012. <https://doi.org/10.21776/ub.arenahukum.2012.00502.7>

Pangestu, Gema Ramadhanu Ridho Ing. Analisis Pembatasan Usia (Ageism) Pencari Kerja Dalam Prespektif Hak Asasi Manusia (HAM), *Jurnal UMP PRESS*, Vol. 17, 2024. <https://doi.org/10.30595/pssh.v17i.1127>

Subrianto, Amalia Tiara Kasih, Apriani, Rani. Hak Anti Diskriminasi Dan Upaya Hukum Bagi Tenaga Kerja Lanjut Usia Dalam Sektor Pekerjaan, *Jurnal Hukum Widya Yuridika*, Vol. 5, No. 2, 2022. <https://doi.org/10.31328/wy.v5i2.3636>

Simanullang, R A Hotmartua, dkk. Larangan Diskriminasi Usia Dalam Proses Rekrutmen Di Indonesia, *Jurnal Legislatif*, Vol. 8 No. 1, 2024

Kholis, Nur. Asas Non Diskriminasi Dalam Contempt Of Court, *LEGALITY Jurnal Ilmiah Hukum*, Vol. 26 No. 2, 2018-2019

Hamidah, Anisatul. Urgensi Prinsip Non-Diskriminasi Dalam Regulasi Untuk Urgensi Prinsip Non-Diskriminasi Dalam Regulasi Untuk Pengarus-Utamaan Kesetaraan Gender, *Jurnal Hukum & Pembangunan*, Vol. 51 No. 3, 2021. <https://doi.org/10.21143/jhp.vol51.no3.3129>

Darma, Andi Susilo. Kedudukan Hubungan Kerja : Berdasarkan Sudut Pandang Ilmu Kaidah Hukum Ketenagakerjaan Dan Sifat Hukum Publik Dan Privat, *MIMBAR HUKUM*, Vol. 29 No. 2, 2017

Vermanari, Meisatari Putri, Flora Pricilia Kalalo, Ronald E. Rorie. Pengaturan Hukum Terhadap Pekerja Anak di Kota Manado, *LEX PRIVATUM*, Vol. 15 No.3, 2025

Hakim, Lukman Nul. Urgensi Revisi Undang-Undang tentang Kesejahteraan Lanjut Usia, *ASPIRASI Jurnal Masalah-Masalah Sosial*, Vol. 11 No. 1, 2020. <https://doi.org/10.22212/aspirasi.v11i1.1589>

Regulations:

The 1945 Constitution of the Republic of Indonesia, State Gazette of the Republic of Indonesia Number 1 of 1945, Supplement to the State Gazette of the Republic of Indonesia Number 4400

Law No. 13 of 2003 concerning Manpower, State Gazette of the Republic of Indonesia Number 2 of 2003

Law of the Republic of Indonesia Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, State Gazette of the Republic of Indonesia Number 41 of 2023

Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, Supplement to the State Gazette of the Republic of Indonesia Number 3886

Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number



23 of 2002 concerning Child Protection, Supplement to the State Gazette of the Republic of Indonesia Number 5606

Law No. 21 of 1999 concerning Ratification ILO Convention No. 111 Concerning Discrimination in Respect of Employment and Occupation

Law of the Republic of Indonesia Number 20 of 1999 concerning Ratification of ILO Convention No. 138 Concerning Minimum Age for Admission to Employment

Law Number 11 of 2005 concerning Ratification of the International Covenant on Economic, Social, and Cultural Rights

Circular Letter of the Minister of Manpower No. M/6/HK.04/V/2025

Internet:

BPSI “Keadaan Ketenagakerjaan Indonesia Februari 2025” accessed from <https://web-api.bps.go.id> on 11 September 2025, at 10.00 WIB

Lokergresikinfo, (@lokergresikinfo). “Lowongan Pekerjaan”, accessed from <https://www.instagram.com/lokergresikinfo?igsh=eDI5ZGJxbTFwaWhz>, on 11 October 2025

Disnakerja, (@Lowongan CPNS, BUMN & Swasta). “Lowongan Pekerjaan”, accessed from <https://www.instagram.com/desnakerja?igsh=ajRyOWU2cXU2Ymd3>, on 11 October 2025

Industriycareer, (@Lowongan Kerja Industri). “Lowongan Pekerjaan”, accessed from <https://www.instagram.com/industriycareer?igsh=MTdrcTJ5M3RkNWRmNQ==>, on 11 October 2025