



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## Legal Implications of Abuse Contract Work in Wages and Working Hours in the Era of Globalization

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**Abstract.** *Abuse of employment contracts in terms of wages and working hours has become an increasingly disturbing issue in the context of an ever-growing global economy. This research presents an in-depth analysis of the legal implications of the phenomenon of misuse of employment contracts and wages in the era of globalization. Abuse of employment contracts in wages includes practices such as unfair reductions in wages and increases in working hours without adequate compensation, which significantly threaten workers' human rights. The research method used is normative juridical with a statutory approach, with study data collection bibliography. Implications law from abuse contract Work in wages and working hours covers a number of complex aspects. First, misuse contract work and wages violate right recognized workers in a way international, cause inequality growing economy in between workers and entrepreneurs. Second, in the era of globalization, differences regulations law between countries complicate handling issue this is temporary instability work the more increase. Challenge in enforcement consistent laws also become significant problem. Study This highlighting necessity enforcement effective laws and more regulation strict for protect rights worker in environment changing global work fast. Work The same between government, organization workers, entrepreneurs and society civil become key in effort overcome abuse contract work and improve condition fair and decent work for all workers in the era of globalization.*

**Keywords:** *Contract Work; Implications Law; Wages.*



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## 1. Introduction

Current technological developments are considered to have provided great benefits for life. Several available technological devices often make it easier for someone to carry out daily activities, including at work. But technology does not come with provide benefits alone, at least there is a variety of potential for the presence of problems can be faced by a worker. For a worker today, work time does not always end when they leave the office. In the era of globalization, a worker is always connected to his work via cell phone, computer and various other technological devices. Workers in various professions often receive electronic communications from clients, colleagues and leaders all the time, including on weekends and holidays. Even though the worker is physically leaving the office, but this does not necessarily mean that workers also leave their jobs. <sup>1</sup>This matter Of course, it requires the presence of policies that can resolve these problems. Provisions that ensure legal protection for workers, not only regarding issues of working time and *work-life balance*, but also ensuring provisions that regulate if workers are forced to do work outside of work time and place.

The scope of employment is not narrow, limited and simple. The reality in practice is very complex and multidimensional. Therefore, it is true that employment law does not only regulate employment relationships, but also includes regulations outside of employment relationships, and needs to be heeded by all parties and needs to be protected by third parties, namely the authorities (government) if there are parties who are harmed. In accordance with the role and position of the workforce, workforce development is needed to improve the quality of the workforce and their participation in development as well as increasing the protection of workers and their families in accordance with human dignity and dignity.<sup>2</sup>

Indonesia in general formal since 1945 (UUD pre amendment) has declare self as a state of law and confirmed Again in the 1945 Constitution of the Republic of Indonesia (hereinafter called with the 1945 Republic of Indonesia Constitution) results amendment in article 1 paragraph 3 which stipulates: "The Indonesian state is a state of law ". So, with notice formulation concept of Indonesian rule of law, Ismail Suny take notes four legal state requirements in a way formal to become obligation Government For implemented, namely, rights Asasi Human, Division Power, Government based on Law and Justice Administration. as a rule of law, then every

<sup>1</sup>Tanya Marcum, *Never Off the Clock: The Legal Implications of Employees' After Hours Work* , Labor Law Journal, Vol. 69, no. 2, 2018, 73-82, p al . 74

<sup>2</sup>Fithriatus Shalihah , *Implementation of Specific Time Work Agreements (Pkw) in Employment Relations in Indonesia* , STRAIT JURNAL Volume. 4 Number. 1, October 2016. p. 71.

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public own same position One with the others without exists difference (*equality before the law*).<sup>3</sup>

In connection laborers / workers and entrepreneurs applies law autonomy and heteronomy, and existence law autonomy and heteronomy this is what gives birth law labor nature law private and legal public. Characteristic law private It means law labor arrange connection between laborer with entrepreneurs where each party free for determine form and content connection Work between they. Characteristic law public shows that it exists regulation legal nature force that must adhered to by employers and workers if they do connection before, during and after the work period.<sup>4</sup> Protection of workers/laborers through positive law that applies in the form legislation is the norm laws that must be obeyed in life patriotic. Basically, protection for workers/laborers is intended to guarantee equality of opportunity and treatment without discrimination on any basis to realize the welfare of workers/laborers and their families.<sup>5</sup>

In the workforce there is freedom of contract meaning freedom for everyone to make an agreement as long as it is desired by the parties and *the cause* is not prohibited. On agreement by balanced positions of the parties will give birth performance and cons balanced performance. But without limitations against freedom contract, get to be restraint against freedom other parties who have position bland low in close agreement. Restrictions against freedom contracted influenced various progress in law agreement. Grow it teaching belief good moment close agreement and more its influence teaching abuse situation as reason cancellation agreement to limit freedom contract More and more its development rules legislation in the field economy too limit freedom contract For example ban in Article 18 of Law No. 8 of 1999 About Protection Consumers who forbid perpetrator effort make or merge clause raw certain The regulations the said often make threat nullity agreement outside exist reason coercion , misguidance and fraud this us know<sup>6</sup>

Implications law from abuse contract Work in matter wages and working hours in the era of globalization very related with transformation the economy is happening along with the globalization process. Since beginning 20th century, globalization has change landscape world

<sup>3</sup> Tutik Quarterly Point, 2006, *Basics of Constitutional Law* , Achievement Pustaka, Jakarta , Page . 120

<sup>4</sup> Dede Agus, 2012, *Employment Law* , Banten Provincial Education Office, Serang, Page . 9-10

<sup>5</sup> Rachmat Trijino, 2014 , *Introduction to Employment Law*, Papas Sinar Sinanti, Jakarta, H al. 53 .

<sup>6</sup> Hasanuddin . May 18, 2016. *Abuse of Circumstances as a Reason for Cancellation of Agreement* . Available on the site: <https://pn-tilamuta.go.id/2016/05/18/penyalahgunaan-keadaan-as-alasan-pembatalan-perkerjaan/> , accessed on 8 May 2024.

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economy with opening of international markets, increasing trading international, and mobility power more work big. In context This is a contract Work become instrument main in arrange connection between entrepreneurs and workers. However, phenomenon globalization also brings impact complex to the world of work. Abuse contract work, like subtraction wages are not fair, increased working hours without proper compensation, and instability work, be the more general happen. This matter create inequality growing economy in between workers and entrepreneurs, as well give rise to violation right basic human rights (HAM) in environment Work.

Background behind This show that in the era of globalization, abuse contract Work has become urgent issues that require attention Serious from facet regulations law and enforcement. Implications law from abuse contract Work covers challenge in create appropriate regulations with global dynamics, enforcement consistent laws, and protection rights more workers Good in environment changed work in a way fast and complex. Therefore that is, deep understanding about implications law from abuse contract Work in matter wages and working hours in the era of globalization become important for develop effective and sustainable solutions in handle problem This.

This research aims to overcome abuse of employment contracts in terms of wages and working hours in the era of globalization requiring collaborative efforts between the government, labor organizations, employers and civil society. This requires strengthening fair and effective labor regulations and consistent law enforcement to protect workers' rights in the context of growing economic globalization. The legal implications of misuse of employment contracts in terms of wages and working hours in the era of globalization include labor rights violations, economic inequality, employment instability, regulatory challenges, inconsistent law enforcement, the impact of globalization, and challenges to the protection of migrant workers. This requires collaborative efforts to strengthen labor regulations, improve law enforcement, and protect workers' rights in the context of an ever-evolving global economy. Based on available sources, researchers will focus on a number of problem formulations, namely: what is the legal protection regarding misuse of employment contracts in terms of wages and working hours? and what are the legal implications of misuse of employment contracts in wages and working hours in the era of globalization?

## 2. Research Methods

The research method used is normative juridical with a statutory approach, case *approach*, analytical *approach* and comparison. *comparative approach*). The data used in this research is

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secondary data. Secondary data collection was carried out through literature study. The legal materials used are: primary and secondary legal materials. Data analysis was carried out descriptively-qualitatively. Specification This research uses analytical descriptive.<sup>7</sup>

### 3. Results and Discussion

#### 3.1. Protection Laws Regarding Abuse of Employment Contracts in Terms of Wages and Working Hours

Law enforcement officers are obliged to enforce the law, enforce the law, the law itself has a function, namely indirectly the law will provide protection for every legal relationship or all aspects of people's lives that are regulated by law. The protection provided by law to the community is a very broad protection that guarantees the welfare of the community which is always guided by Pancasila. Every people have the right to receive protection from law. Government obliged to provide protection for all legal relations what society does. Therefore, the term legal protection emerged and developed. Worker is more often associated with the diction Labor used by employers and is very popular in scholarship related to employment or labor.<sup>8</sup>

Legal protection is a protection provided to the subject law in the form of good legal instruments preventive or repressive, both written and unwritten. In this case, legal protection is an illustration of the function of law, namely the concept that law can provide justice, order, benefit and peace. Indonesia is one of the countries that based on law (*rechtstaat*) and *rule of law*, society really needs it legal protection to obtain legal certainty, and justice for the people feel well-being and prosperity. By because it is fair law enforcement and protection of human rights (HAM), are two important aspects in realizing it *the rule of law*.<sup>9</sup>

Work has a very important meaning in human life so everyone needs a job. Work can be interpreted as a person's source of income to meet his or her living needs his family. It can also be interpreted as a means of self-actualization so that a person feels that his life has become

<sup>7</sup>Sayid Muhammad Rifqi Nova I, *Evolution of Workers' Rights in the Digital Era: Right to Disconnect Prawacana in Indonesia*, Bina Mulia Hukum Journal, Volume 6, Number 2, March 2022, p. 239.

<sup>8</sup>Ni Putu Nita Erlina Sari, I Nyoman Putu Budiarta, Desak Gde Dwi Arini, *Legal Protection for Workers in Certain Time Work Agreements According to Law No. 13 of 2003*, Legal Analogy Journal, 2 (1) (2020), 124–128, matter. 126.

<sup>9</sup> Equino Mikael Makadolang, Ronny Adrie Maramis, Lendy Siar, *Legal Protection for Workers in Certain Time Work Agreements (PKWT) Who Are Terminated Before Time*, Sam Ratulangi University Faculty of Law Journal Lex Privatum Vol.13 No 3 Mar 2024, p. 3.



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more valuable for himself, his family and his environment. Therefore, the right to work is a human right inherent in a person which must be upheld and respected.<sup>10</sup>

Legal protection and implementation of Abuse of Employment Contracts in Wages and Working Hours regarding labor has not been fully implemented and in accordance with the applicable laws and regulations, in this case the Labor Law as stated in Article 1 number 2 of Law Number 13 of 2013 concerning Employment (hereinafter referred to as UUK) is every person who able to carry out work to produce goods and/or services both to meet their own needs and those of the community. Furthermore, the definition of a worker based on UUK Article 1 number 3 is anyone who works by receiving wages or other forms of compensation. The state has guaranteed equal status under the law for every citizen, as stated in the considerations considering letter a of the UUK:

"That freedom of association, assembly, expressing thoughts both orally and in writing, obtaining work and a living worthy of humanity, and having equal status under the law are the rights of every citizen."<sup>11</sup>

Protection for Abuse of Employment Contracts in Wages and Working Hours towards workers/employees is an inseparable part of the protection of citizens as a state obligation. Basic human rights must be fulfilled by receiving protection wherever they work to obtain their basic rights. Whether they have different citizen status or the same citizen status, so that they can get a life worthy of being a human being in accordance with Article 28 D Paragraph 3 of the 1945 Constitution of the Republic of Indonesia, that: **"Every citizen has the right to work and receive fair and decent compensation and treatment. in an employment relationship."**<sup>12</sup>

### 3.2. Legal Implications of Misuse of Employment Contracts in Wages and Working Hours in the Era of Globalization

The definition of labor according to Article 1 number 2 is every person who is able to do work to produce goods and/or services to meet their own needs and those of the community. Understanding everyone who is able do work to use produce goods and/ or service, good for

<sup>10</sup>See explanation of Law no. 39 of 2004 concerning Placement and Protection .

<sup>11</sup>Denise Elysia , *Legal Protection of Wages for Domestic Workers* , Legal Studies, FIS, UNESA , p. 2.

<sup>12</sup>Fatkhul Muin , *Legal Protection of Indonesian Workers (Review of Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers)*, Journal of Cita Hukum, FSH UIN Syarif Hidayatullah Jakarta Vol.3 No.1(2015),pp.11-24 , matter. 12.



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fulfil need Alone nor For public can covers everyone who works with accept wages or rewards in other forms or everyone who works Alone with No accept wages or reward. Labor covers civil servants, formal employees, informal employees, and people who have not Work or unemployment. In other words, understanding power Work is morewide from workers / laborers.<sup>13</sup>

Workers / laborers with agreement Work time certain (PKWT) or workers / laborers contract is workers / laborers who work based on Agreement Specific Time Work. Agreement Specific Time Work in a way Specific arranged in Article 56 to with 59 of the Law Number 13 of 2003 concerning Employment. Mentioned in article 59 paragraph (1), agreement Work For time certain only can made for work certain who obey type and nature or activity his job will finished in time certain, namely:<sup>14</sup>

- a. What a job finished or temporary ones its nature;
- b. Estimated work the solution in time is not too long and a maximum of 3 (three) years;
- c. Nature work seasonal; or
- d. Related work with product new, activities new, or product additional ones still in test or exploration.

Protection Remuneration has arranged in a way clear in Article 88 of the Law Number 13 of 2003 concerning Employment, namely:<sup>15</sup>

- 1). Each labor entitled acquire adequate income decent living for humanity.
- 2). For realize adequate income decent living for humanity as intended in paragraph (1), government set policy protective remuneration workers / laborers.
- 3). Policy protective remuneration workers / laborers as intended in paragraph (2) includes:
  - a. wage;

<sup>13</sup> Asri Wijayanti, 2009, *Post-Reformation Employment Law*, Sinar Graphics, Jakarta, p al .1

<sup>14</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 497.

<sup>15</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 495.

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- b. Wages Work overtime;
- c. Wages No enter Work Because unable to do so;
- d. Wages No enter Work Because do other outside activities his job;
- e. Wages Because operate right time Rest work;
- f. Form and method payment wages;
- g. Fines and deductions wages;
- h. Things you can taken into account with wages;
- i. Structure and scale proportional wages;
- j. Wages For payment severance pay; And
- k. Wages For calculation tax income

4). Government set minimum wage as intended in paragraph (3) letter a based on need life worthy and with notice productivity and growth economy.

Provision about Remuneration mentioned above should become base for businessman or giver Work For implement provision about giving wages for worker or laborers, incl inside it workers / Laborers with Agreement Specific Time Work or workers / laborers contract. However so inside practice often Still heard that Still There is discrimination especially in Remuneration between Workers / Laborers with Agreement work Time No certain with Workers / Laborers with Agreement Work certain time or workers / laborers Contract.<sup>16</sup>

The following applicable provisions for employee contract is:

- 1). Workers / laborers with Agreement Work time certain employed by the Company for period time certain OK, it's time maximum only 3 years (Article 59 paragraph (1) letter b of the Law Number 13 of 2003).
- 2). Connection Work between companies and workers / laborers contact poured in Agreement Specific Time Work (PKWT).

<sup>16</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 496.

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3).The company doesn't requires there is a trial period (Article 58 paragraph (1) of the Law Number 13 of 2003).

4).If one party end connection Work before the end period set time in Agreement Specific Time Work, or the end connection Work No Because happen violation to provisions that have been agreed together, then terminating party connection Work required pay change make a loss to party other as big as wages workers / laborers until limit time the end period time agreement Work.

5).If after contract Then company determine the person concerned become workers / laborers fixed, then the contract period No calculated as work period.<sup>17</sup>

About Wages or remuneration, According to Constitution Number 13 of 2013 Concerning Employment Article 1 number 30, understanding wages is:<sup>18</sup>

Right workers / laborers who are accepted and declared in form Money as rewards from businessman or giver Work to workers / laborers are determined and paid according to something agreement work, agreement, or regulation legislation, incl allowance for workers / laborers and their families on something work and/ or services that have been given.

Meanwhile, what is meant with Wages minimum as listed in article 88 paragraph (3) letter a Law no. 13 years 2003, determined by the Government in provision income Wages A minimum aimed at fulfillment Need Life Worth (KHL) with notice productivity and growth economy. With he took it out Regulation Government Number 78 of 2015 concerning Remuneration on October 23 2015 which is explanation from Article 97 of the Law Number 13 of 2003 concerning Employment, formulation wages to the front calculated only just number inflation and growth economics issued by the institution government (BPS) though initially The Minimum Wage also originates from Need Life feasible (KHL) which is the basis of the KHL only done review every five years once. Appropriate article 44 paragraph (2) Regulations Government Number 78 of 2015, increase formula wages calculated with formula:<sup>19</sup>

<sup>17</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 498.

<sup>18</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 499.

<sup>19</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 500.

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"new minimum wage = current minimum wage this + {minimum wage x (percentage inflation + percentage growth product domestic moderate gross walk)}"

Besides with there is a standard formula in increase minimum wage, Regulations Government Number 78 of 2015 also stated this draft total income received by workers / laborers. In the article 4 paragraph (2) reads: Decent income as referred to in paragraph (1) is given in form:

- a. Wages; and
- b. Non Wage Income

Which is meant wages be found in article 5 paragraph (1) which reads as the following:

Wages as such intended in article 4 paragraph (2) letter a consists of on component:

- a. Wages without allowances;
- b. Wages principal and allowances still; or
- c. Wages principal, allowance fixed, and allowances No still.

There are some chapter in Regulation Government Number 78 of 2015 Concerning Conflicting wages with Constitution Number 13 of 2003 Concerning Employment. So that Lots demonstrations carried out by workers / laborers who think that Regulation Government Number 78 of 2015 concerning Remuneration only siding to interest entrepreneurs and not important fate workers / laborers for get wages worthy.<sup>20</sup>

A number of matter just noticed in Regulation Government Number 78 of 2015 which is contradictory with Constitution Number 13 of 2003 concerning Employment in principle about problem Remuneration:

1). In article 44 Regulations Government Number 78 of 2015 states that increase wages only based on formula inflation and growth economic output institution government (BPS). With ignore price surveys need principal every that year benchmark Component Life Eligible (KHL). This matter contradictory with article 88 paragraph (4) of the Law Number 13 of 2003 concerning Employment. In paragraph This Government determine minimum wage based on need life worthy and with notice productivity and growth economy.

<sup>20</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 501.



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2). In article 45 and article 47 of the Regulations Government Number 78 of 2015 concerning wages, the authority of the Wages Council become closed in determine magnitude wages Because taken also transferred by BPS. Wages Council which is included in it consists from Union Worker. This matter contradictory with article 89 paragraph (3) of the Law Number 13 of 2003 concerning Employment stated that minimum wages are set Governor with notice recommendation from the Wages Council.<sup>21</sup>

Wages Council, in matter determination magnitude minimum wage, only authorized provide suggestions and considerations to Governor, Regent / Mayor, above review need life worth reviewing every 5(five) years once, appropriate with Article 43 paragraph (5) Regulations Government Number 78 of 2015 concerning Remuneration. See matter that, then No amazed Lots workers / laborers who refuse fill Regulation Government Number 78 of 2015 concerning Remuneration This Because No protect right worker about problem Remuneration.<sup>22</sup>

#### 4. Conclusion

The legal implications of misuse of employment contracts in terms of wages and working hours in the era of globalization are increased economic inequality, violations of labor rights, and challenges in consistent law enforcement. Phenomenon This create instability work, differences regulations between countries, and impacts negative to well-being worker. Required effort together from government, organization workers, and entrepreneurs for overcome problem This through more regulations strict and enforcement effective law. The conclusion of the legal implications of misuse of employment contracts in terms of wages and working hours in the era of globalization is as follows: 1. Enforcement effective laws and more regulation strict required for protect rights worker in environment changing global work fast. This need Work The same between government, organization workers, entrepreneurs and society civil. Apart from that, protecting the rights of migrant workers is also an important aspect that must be considered in efforts to overcome employment contract abuse in the context of globalization. 2. Implications law against abuse of employment contracts is a complex and urgent issue in the context of a continuously developing global economy. Practices such as unfair wage reductions and increased working hours without adequate compensation create economic inequality and threaten workers' human rights. In the era of globalization, challenges in overcoming employment contract abuse include differences in

<sup>21</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 501.

<sup>22</sup> Suhartoyo, *Legal Protection Regarding Wages for Workers/Labourers with Specific Time Work Agreements*, Administrative Law & Governance Journal. Volume 3 Issue 3, September 2020, p. 502.



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legal regulations between countries, employment instability, and a lack of consistent law enforcement.

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