



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Position of Women in the Concept of Humanistic Industrial Relations in the Era of Industry 5.0

Asep Sopyan

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: asepsopyan.std@unissula.ac.id

Abstract. *The existence of harmonious industrial relations will be able to create a good industrial world, this will clearly realize rapid national economic development. In reality, this narrative has not been running well, resulting in one of the consequences in guaranteeing the protection of women's rights as a working class. The type of research used in this study is descriptive analytical legal research. Based on the study conducted, it is known that harmonization in industrial relations has not been able to be realized, this is due to the clash of perceptions of the objectives of employment regulations that occur between the state, workers, and employers. This pluralism between legal perceptions occurs as a form of different interests between the state that wants legal certainty, workers who want legal justice, and employers who want the realization of legal benefits in employment regulations in Indonesia. So there needs to be an update of labor regulations that are able to realize the protection of labor rights clearly, especially provisions related to stricter supervision and agreements regarding the separation and determination of workers with fixed-term contracts in their implementation considering that many employers do not provide clear work agreements regarding this to workers, the existence of sanctions for neglecting labor rights and worker status in work agreements made by employers unlawfully, the existence of strict determinations regarding severance pay for workers with fixed-term contracts, and regulatory updates regarding assistance to companies that will experience bankruptcy due to financial problems, so that they are able to survive and support their workers. These various existing problems have resulted in the sidelining of guarantees for the protection of women's rights as workers in existing work agreements.*

Keywords: *Industrial Relations; Protection; Women; Workers.*

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

1. Introduction

Harmonious industrial relations between workers and employers are an important principle in realizing the progress of the industrial world in this country, the development of domestic industry is also a strong foundation for economic development in this country. In relation to the correlation between the harmonization of industrial relations between workers and employers with the rapid development of the domestic economy, Muhammad Hasan and Muhammad Azis in their work entitled "Economic Development and Community Empowerment, Human Development Strategy in a Local Economic Perspective", stated that:¹

The fundamental principle of the development process is an emphasis on economic growth, with development outcomes that are not merely quantitative but also qualitative, through the industrial sector, which demands the development of a healthy industrial sector. This can be achieved not solely based on capital and human resources, but also on the existence of a national system of industrial relations conflict management that ensures harmony in industrial relations between workers and employers.

The crucial role of capital and labor availability in economic development was also explicitly emphasized by Robert Solow and Travor Swan. The theory developed by Robert Solow and Travor Swan states that economic growth depends on the additional supply of production factors (population, labor, and capital accumulation) and the level of technological progress. Therefore, it can be said that economic development depends on population growth or labor productivity, capital accumulation, and technological progress.² Meanwhile, Islam views ideal industrial relations as one that balances the rights and obligations of workers and employers. Islam fundamentally views production activities as part of the obligation of the community, namely to create universal prosperity for all creatures. Work, as the primary factor of production, holds a crucial place in life because it supports the implementation of human worship to Allah SWT. Therefore, the law of work is obligatory.³

The various views above demonstrate the crucial role of workers and employers within the domestic industrial landscape. A balance of rights and obligations between workers and employers is crucial to the advancement of domestic industry and the economy. The hope for harmonization of industrial relations in Indonesia remains far from reality.



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

¹Muhammad Hasan and Muhammad Azis, 2018, Economic Development and Community Empowerment, Human Development Strategy in a Local Economic Perspective, CV. Nur Lina, South Sulawesi, p. 16.

²Sadono Sukirno, 2002, Modern Macroeconomics, PT Rajawali Grafindo Persada, Jakarta, p. 463.

³QS al-Jum'ah/62: 10.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The issue of unfair employment status and interests in current employment contracts also impacts women as a workforce. The role of women in the Industry 5.0 era has changed significantly in the world of work. In the Industry 5.0 era, women are expected to support and assist in jobs previously labeled as male, such as becoming leaders and developers in various fields. A woman who chooses to be a housewife and pursue a career in work aims to be actively involved in the economy to earn a living and support her family. This means that in the development of the Industry 5.0 era, women have dual roles: as mothers, labeled as humanistic individuals who educate and care for children, and as career women who are required to be active in economic activities. Indonesia has a large female population, so the role of women in facing the Industrial Revolution 5.0 era requires attention. The Central Statistics Agency (BPS) noted that in 2022, approximately 48.65% of women worked as professionals. However, this large No. has also been accompanied by various conflicts. The problem that arises when women take on dual roles is the tension between their formal work roles and their role as homemakers. Role conflicts that arise within women can be divided into two categories: work-family and family-work.⁴

⁴Etwin Dartono and Arthur Huwae, "Resilience and Burnout in Career Women with Families in the Industry 5.0 Era", *Economics and Digital Business Review*, Volume 6, Issue 2, 2025, pp. 1247-1248.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Female workers have physiological conditions that are different from those of men, namely female workers are susceptible to disease, harassment, and exploitation. Protection for workers is carried out with the aim of ensuring every worker's rights related to work policies that include working hours and leave (rest). Female workers have reproductive functions, so policies are needed to address every woman's rights related to reproductive functions. Such policies are stipulated in the Manpower Law No. 13 of 2003 concerning Women. Protection is carried out as a form of acceptance of every right held by a person, especially female workers who deserve to receive equal treatment with other humans through consideration of their limited physical abilities, so it is necessary to be given adequate rest time and dispensation is needed for women if they are unable to carry out their responsibilities. The rights of female workers have been legalized in the constitution, laws, and several implementing policies. In the constitution, women's equal rights to perform work and receive appropriate treatment are stipulated in Articles 27 and 33. There are statutory provisions that ensure the rights of female workers, namely Law No. 13 of 2003 concerning Manpower, Law No. 8 of 1981 concerning Wage Protection, Minister of Manpower Regulation No. 8 Per-04/Men/1989 concerning Night Work Requirements and Procedures for Employing Female Workers at Night, Ministry of Manpower Decree 224/Men/2003 concerning Obligations of Employers Who Employ Female Workers/Laborers from 23.00-07.00. These rights regulations are based on international conventions that guarantee the rights of female workers in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which is translated into Law No. 7 of 1984.⁵ Even though there are regulations regarding the protection of women's rights as workers in various legal regulations in Indonesia, in reality, most employers often ignore the rights of female workers in the employment agreements they make through their corporate parties. This is one of the things that can be seen in the issue of the protection of female workers that occurred at PT. AFI. Injustice often occurs in any field, one of which is at PT. AFI, many women are forced to hold the positions given even though the positions given are positions that should be done by men so that injustice occurs to women at PT. AFI to move positions due to illness or inability to continue in the long term, but the company threatens and dismisses them if they do not comply with what has been given. In accordance with Article 1 No. 1 of Law No. 13 of 2003, Employment is defined as something related to workers in the time before, during, and after the employment period. This employment includes all things related to workers. In this case, namely before an individual starts working, during or while doing his work, and after the individual works. In this case, after an individual has worked, that is when the workforce is considered to have retired, not after they have finished their work and gone home.⁶



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

⁵Muhammad Rahmadzani Hidayat and Qurrotul Aini, "Protection of Labor Rights for Female Workers Who Experience Injustice in the Workplace (Case Study of PT. AFI)", Indonesian Legal Media (MHI), Vol.2, No.2, 2024, p. 648.

⁶*Ibid*, p. 649.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The various weaknesses of Law No. 13 of 2003 concerning Manpower in terms of protecting workers while protecting the investment climate implemented by domestic entrepreneurs to support national economic growth are increasingly complicated by the arrival of the era of disruption that comes with the current economic globalization. Various breakthroughs have been made by Joko Widodo in facing this era of disruption. One of them can be seen from the birth of Law No. 11 of 2020 as an omnibus law. Law No. 11 of 2020 concerning Job Creation has not been able to be implemented due to the majority of the public seeing it still has fundamental weaknesses, a situation that was later emphasized by the Constitutional Court Decision No. 91/PUU-XVIII/2020.

The considerations for the birth of Constitutional Court Decision No. 91/PUU-XVIII/2020 include:⁷

1. Formal Defects

The Indonesian legal system is essentially a civil law system, where applicable law is divided into a hierarchical system of laws and regulations. This is clearly evident in Article 7 of Law No. 12 of 2011 in conjunction with Law No. 15 of 2019 concerning the Formation of Legislation, which does not recognize the position of omnibus laws as a type of legislation within the hierarchical system. This situation clearly indicates that the creation of Law No. 11 of 2020 is inconsistent with the hierarchical system of laws and regulations in Indonesia.

2. Resulting in Legal Uncertainty

The vagueness of Law No. 11 of 2020 as a type of legislation has implications for legal certainty in its implementation. Since its enactment, the implementation of Law No. 11 of 2020 has clearly not been optimal. This is due to the many provisions in Law No. 11 of 2020 that conflict with the needs of society. This situation indicates that Law No. 11 of 2020 is legally disharmonious with the legal system in Indonesia and simultaneously contradicts the ratio legis or the public's need for current legal developments.

3. Lack of Transparency

⁷Constitutional Court, MK: Conditionally Unconstitutional, Job Creation Law Must Be Amended Within Two Years, accessed via <https://www.mkri.id/index.php?page=web.Berita&id=17816>, on May 12, 2026.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Since the formulation process of Draft Law No. 11 of 2020, public involvement has not been that significant. Suhartoyo as a Constitutional Court judge explained in the trial that the facts that formed the Constitution were revealed. Law No. 11 of 2020 does not provide maximum public participation. Although numerous meetings have been held with various community groups, these meetings have not yet discussed the academic text and material for amendments to the Job Creation Law. Suhartoyo added that the lack of transparency Law No. 11 of 2020 is also seen in the public's inability to access the academic text of Law No. 11 of 2020.

This legal dynamic shows that there has been a disorientation between the government's discourse on the objectives Law No. 11 of 2020, as a means of realizing national economic development based on social welfare, has failed. This situation has caused Law No. 11 of 2020 to reap considerable opposition from the public. Consequently, Law No. 11 of 2020 has encountered many obstacles in realizing its objectives. Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods, and Termination of Employment then emerged as another alternative amidst the turbulence between interests in employment policy in Indonesia. However, Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods also fails to balance the position of workers in fixed-term employment agreements. Fixed-term employment agreements are made by employers without involving workers to outline the rights and obligations between workers and employers in a proportional and balanced manner. Fixed-term employment agreements according to Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours are only based on the agreement of both parties, so that the creation of fixed-term employment agreements is only based on civil freedom of contract, this clearly further obscures the status and rights of workers.

The various complexities of labor issues mentioned above demonstrate the pluralism of legal perceptions in the development of labor policies in Indonesia. This pluralism reflects the differing interests of workers and employers. Consequently, conflicts of interest arise in labor policies in Indonesia, often disrupting industrial stability and hampering national economic development, including violating the protection of women workers' rights.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

2. Research Methods

The type of research used in this study is descriptive analytical legal research. Descriptive analytical legal research is a method that serves to describe or illustrate the object being studied through collected data or samples as they are without conducting analysis or drawing general conclusions.⁸

3. Results and Discussion

3.1. Reflecting on Norm Inequality in Employment Regulations in Indonesia Towards Women as Workers

Unequal or discriminatory actions are called injustice. Human rights violations also constitute injustice. Law No. 39 of 1999 concerning Human Rights explains this. Although injustice is regulated by law, many acts that refer to injustice cause social injustice throughout society, especially for women. Injustice can be defined as behavior that differentiates between men and women based on gender. Although injustice can happen to anyone, women still experience it more often than men. With this injustice, many female workers feel uncomfortable about it and feel discriminated against by men, especially in terms of employment in companies, where women are expected to always be versatile in their given positions, causing women to feel pressured by this. Law No. 13 of 2003 concerning Manpower discusses the rights and obligations of workers in Indonesia. Some workers believe that the government can protect them through legal regulations regarding their rights and protect them from companies that often act arbitrarily towards female workers. One of the main focuses in the implementation of labor law is how to regulate, implement, and explain the legal regulations in accordance with the written. However, there are still many violations and deviations in the implementation of Law No. 13 of 2003, its implementation has not been running effectively, especially in the provision of leave for menstruation, pregnancy, childbirth, and miscarriage. Female workers complain about the actions of companies that make it difficult for workers to obtain leave rights for menstruation, pregnancy, childbirth, and breastfeeding. In addition to the lack of optimal implementation of the law, the 1945 Constitution states that each individual has the right to have a job and receive pay, as well as to receive fairness

⁸Sugiono, Quantitative, Qualitative and R&D Research Methods, Alfabeta, Bandung, 2009, p. 29.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

and fairness in employment contracts. In this regard, female workers also have rights and are entitled to fair treatment that are comparable to men.⁹

Women have special rights in the workplace, including the right to safety and health protection due to their inherent dignity as women, including menstruation, pregnancy, childbirth, and breastfeeding. Therefore, workplaces need to guarantee the rights of every female worker who experiences reproductive functions. Considering that female workers are a weaker and more physically vulnerable group, they should receive optimal legal protection, especially human rights, which are inseparable from the legal protection of female workers because the Indonesian constitution validates the right to have a job, which means anyone is allowed to do any work. The involvement of women in non-strategic positions makes it difficult for women's voices to be heard by company leaders. This is evident in the lack of acknowledgment of female workers when expressing opinions or complaints. When female workers express opinions regarding transportation to and from work, the company seems to simply ignore them. Furthermore, female workers also desperately need proper sanitation in the workplace. However, once again, the company fails to fulfill or ignores the voices of female workers. Injustice against women in the workplace, such as at PT. AFI, still frequently occurs despite regulations protecting them. Women often experience discrimination and are placed in jobs that deviate from their abilities, causing discomfort and stress. Law No. 13 of 2003 and other policies guarantee all women workers' rights, including menstrual, maternity, and breastfeeding leave. However, the implementation of these laws is often ineffective, and many women workers' complaints are ignored. Stronger law enforcement and company commitment to fulfilling women workers' rights are crucial to creating a fair and supportive work environment.¹⁰

The norms in current employment regulations have various weaknesses. Weaknesses in employment regulations begin at the level of Law No. 13 of 2003, namely weaknesses related to the regulation of worker status in the context of work agreements and weaknesses in the protection of workers' rights. Weaknesses related to the status of workers' employment relationships in Law No. 13 of 2003 concerning Employment occur as a result of the absence of sanctions for violations of Article 59 paragraph (1), paragraph (2), paragraph (3), paragraph (4) of Law No. 13 of 2003 concerning Employment. Article 59 paragraph (1),

⁹Muhammad Rahmadzani Hidayat and Qurrotul Aini, "Protection of Labor Rights for Female Workers Who Experience Injustice in the Workplace (Case Study of PT. AFI)", Indonesian Legal Media (MHI), Vol.2, No.2, 2024, p. 650.

¹⁰*Ibid*, p. 651.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

paragraph (2), paragraph (3), paragraph (4) of Law No. 13 of 2003 concerning Employment states that:

- (1) A work agreement for a fixed period can only be made for certain jobs which, according to the type and nature or activity of the work, will be completed within a certain period of time, namely:
 - a. work that is completed once or is temporary in nature;
 - b. work that is estimated to be completed within a relatively short time and a maximum of 3 (three) years;
 - c. seasonal work; or
 - d. work related to new products, new activities, or additional products that are still in the experimental or exploratory stage.
- (2) A work agreement for a certain time cannot be entered into for permanent work.
- (3) A work agreement for a certain period can be extended or renewed.
- (4) A fixed-term work agreement based on a certain period of time can be entered into for a maximum of 2 (two) years and may only be extended 1 (one) time for a maximum period of 1 (one) year.

The above provisions clearly show that the use of labor with a fixed-term work agreement when the work carried out is work consisting of:

- a. Work that is completed once or is temporary in nature;
- b. Work that is estimated to be completed within a relatively short time and a maximum of 3 (three) years;
- c. Seasonal work; or
- d. Work related to new products, new activities, or additional products that are still in the experimental or exploratory stage.

Work performed by workers under a fixed-term employment agreement is not considered permanent work. Workers performing permanent work are those who

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

must have an indefinite-term employment agreement. Article 65 of Law No. 13 of 2003 concerning Manpower states that:

- (1) The transfer of part of the work to another company is carried out through a written work contract agreement.
- (2) Work that can be outsourced to another company as referred to in paragraph (1) must meet the following requirements:
 - a. carried out separately from the main activity;
 - b. carried out on direct or indirect orders from the employer;
 - c. is a supporting activity for the company as a whole; and
 - d. does not directly hinder the production process.
- (3) Other companies as referred to in paragraph (1) must be in the form of a legal entity.
- (4) The work protection and working conditions for workers/laborers in other companies as referred to in paragraph (2) are at least the same as the work protection and working conditions in the company providing the work or in accordance with applicable laws and regulations.
- (5) Changes and/or additions to the conditions as referred to in paragraph (2) shall be further regulated by Ministerial Decree.
- (6) The employment relationship in carrying out work as referred to in paragraph (1) is regulated in a written employment agreement between another company and the workers/laborers it employs.
- (7) The employment relationship as referred to in paragraph (6) may be based on an indefinite-term employment agreement or a fixed-term employment agreement if it meets the requirements as referred to in Article 59.
- (8) If the provisions as referred to in paragraph (2) and paragraph (3) are not fulfilled, then by law the status of the worker/laborer's employment relationship with the company receiving the contract will change to an employment relationship between the worker/laborer and the company providing the work.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

- (9) In the event that the employment relationship is transferred to the employer company as referred to in paragraph (8), the employment relationship between the worker/laborer and the employer shall be in accordance with the employment relationship as referred to in paragraph (7).

This situation is increasingly complex with the problem of the unclear agreement system for workers with fixed-term work agreements. This is shown by the various explanations above, Most of the transition of worker status with an indefinite work agreement is not based on the type of work given to the worker, but rather on the needs of the company and the interests of saving company expenses in order to seek higher economic profits, this situation ultimately creates a vagueness of the type of work as regulated in Article 59 paragraph (1) of Law No. 13 of 2003 concerning Manpower. As a result of this vagueness, the position of workers as indefinite-term workers or workers with a fixed time also becomes vague, this vagueness of status is often used by employers to prefer the status of workers as workers with a fixed time. This position makes workers' rights even weaker when layoffs occur, especially the existence of Article 163 and Article 164 of Law No. 13 of 2003 concerning layoffs in urgent circumstances also does not pay attention to the status and rights of workers, especially regarding severance pay for workers affected by layoffs. This is also contained in Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time. Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time in its development has not been able to balance the position of workers in fixed-term employment agreements, fixed-term employment agreements are made by employers without involving workers to state the rights and obligations between workers and employers in a proportional and balanced manner. Fixed-term employment agreements according to Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time are only based on the agreement of both parties, so that the creation of fixed-term employment agreements is only based on civil freedom of contract, this clearly further obscures the status and rights of workers. This is seen in Article 9 of Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time which states that:

- (1) PKWT is based on the completion of a certain job as referred to in Article 5 paragraph (21) based on the agreement of the parties as stated in the Work Agreement.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

- (2) The agreement of the parties as referred to in paragraph (1) contains: a. the scope and limitations of a job declared complete; and b. the length of time for completing the job is adjusted to the completion of the job.
- (3) In the event that certain work agreed upon in the PKWT can be completed more quickly than the agreed time period as referred to in paragraph (2) letter b, the PKWT will be terminated by law upon completion of the work.
- (4) In the event that certain work agreed upon in the PKWT cannot be completed within the agreed time period as referred to in paragraph (2) letter b, the PKWT period will be extended until a certain time limit until the work is completed.
- (5) The period of work of the Worker/Laborer in the case of an extension of the PKWT period as referred to in paragraph (4) remains calculated from the time the Employment Relationship based on the PKWT occurs.

The absence of sanctions for violations of the provisions of Article 59 paragraph (1), paragraph (2), paragraph (3), paragraph (4) and Article 65 of Law No. 13 of 2003 concerning Manpower results in employers often abusing the situation *ormisbruik van omstandigheden* against workers. The actions of employers who benefit themselves by dominating the protection of their interests and rights in industrial relations through work agreements, including abuse of circumstances *ormisbruik van omstandigheden* which according to Article 1321 of the Civil Code consists of error (*dwaling*), coercion (*dwang*), and fraud (*bedrog*).¹¹ This then spread to the issue of fulfilling workers' rights when unilateral layoffs occur by workers on the grounds of force majeure, as regulated in Article 36. Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours, and Rest Hours. The ambiguity of labor status results in unclear fulfillment of workers' rights under fixed-term employment agreements due to abuse of circumstances *ormisbruik van omstandigheden* carried out by employers. In 2021, there were 110 industrial relations cases related to layoff disputes in Semarang City. Then, in 2022, as of March 22, 2022, there were 13 cases related to layoff disputes.¹² The increase in

¹¹Henry P. Panggabean, 1991, Abuse of Circumstances (*Misbruik van Omstandigheden*) as a (New) Ground for Cancellation of Agreements (Various Legal Developments in the Netherlands), Liberty, Jogjakarta, p. 41.

¹²https://sipp.pn-semarangkota.go.id/list_perkara/type/NkhqRmZVWWU1Wm16Y05zbGFneExEL09QVkJJV3JQMnJuUS9aUkNoUTBwMkJ0V1gyZDFvbmNUa3QrYkpCNERUM0dFbk5Ob2VUTk1wWVAybEc3Z3p1dHc9PQ==, accessed on March 23, 2026.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

layoff disputes as a result of the vagueness of employment regulations as explained above.

Constitution No. 11 of 2020 is present as an omnibus law as well as other alternatives to inequality in Law No. 13 of 2003 and Government of the Republic of Indonesia No. 35 of 2021. In reality, Law No. 11 of 2020 from the employment aspect still has many weaknesses. The issue of employment clusters in Law No. 11 of 2020 begins with the omission of provisions related to time limits and labor rights in Fixed-Term Employment Agreements. This clearly results in uncertainty regarding labor protection in the context of PKWT agreements. Then, regarding labor welfare, provisions regarding religious leave and maternity leave for female workers are not clearly regulated, and benefits for workers or laborers who experience work-related accidents are also unclear. Law No. 11 of 2020 also does not regulate sanctions for employers who refuse to pay severance pay to workers. This results in many employers not providing adequate severance pay to workers affected by termination of employment or layoffs. Based on various problems in the environmental and employment clusters, Law No. 11 of 2020 clearly demonstrates that, both semantically and grammatically, the omnibus law, or job creation, is far from the nation's ideals and state objectives. This is demonstrated by the legal reality that the omnibus law is based solely on the paradigm of development and the investment climate.¹³

This situation is clearly far from the mandate of Pancasila and the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, which is (*staatsfundamentalnorm*), as well as Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which is (*staatsgrundgesetz*).

3.2. Restoring Common Perceptions in Employment Regulations in Indonesia

In an effort to accommodate pluralistic legal perceptions in labor regulations in Indonesia, particularly in the regions, labor law in drafting labor regulations must adopt a holistic paradigm. Labor regulations, in addition to realizing the goals of the state, must also be able to guarantee justice for workers through the protection of labor rights while also being able to protect the interests of employers so that the industrial world can continue to operate, especially in the regions during the current Covid-19 pandemic. To realize this, the law cannot be based solely on one basic legal value, as intended by Radbruch. Rather, the law

¹³"Fires in Indonesia burn 1.6, ha of Land Mostly Former Forests: Satellite Data" <https://www.thejakartapost.com/life/2019/12/02/fires-inindonesia-burn-1-6m-ha-of-land-mostly-former-forests-satellite-data.html>, downloaded on June 5, 2026.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

must be able to encompass all three basic legal values that are born and developed in society.

The three Radbruch values must be able to be realized in the form of a certain system, in other words the three basic legal values should be sub-systems that form a large system of legal values, where benefits and certainty have their respective duties and positions which are interconnected with each other and have one goal, the goal in this legal value system is the value of justice.¹⁴ Thus, the certainty and utility reflected in the law have a unified goal: realizing justice in society. Viewing the three basic values of law as a system, they can be likened to the human body. Utility is the spirit or soul, certainty is the physical body, and justice is the goal. The bridge between humans and achieving their goal of justice is through legal politics. The form of law adapts to the socio-cultural, economic, and political dynamics of a dynamic society. To ensure that abstract law, loaded with societal subsystems, can lead to the value of justice, the law must contain both certainty and utility.¹⁵

Thus, with the existence of a cycle of interrelated basic legal values as explained above, the basic legal values are expected to have synergy that forms an ideal social ecosystem. The value of certainty is able to realize the effectiveness of law in society, then the value of legal benefits is able to fulfill the community's need for guaranteed legal protection in a balanced manner, with the fulfillment of these two values in the law, it is certain that the law will be able to realize justice that requires equal rights through legal politics that live and develop the soul of the Indonesian people or what is called Pancasila. This view is in line with the purpose of law according to the principle *maqsid al-Shariah*, In the principle of Maqsid al-Syariah, it is explained that the law must be able to protect five things, namely:¹⁶

- 1) Religion;
- 2) Reason;
- 3) Soul;

¹⁴Michael Krausz & Jack W. Meiland (eds.), 1982, *Relativism: Cognitive and Moral*, University of Notre, Notre Dame Press, Notre Dame & London, p. 229–243.

¹⁵Edwin W. Patterson (ed.), 1950, *The Legal Philosophies of Lask, Radbruch, and Dabin*, Cambridge, Harvard University Press, Massachusetts, p. 43.

¹⁶Sri Endah Wahyuningsih, 2013, *Principles of Criminal Individualization in Islamic Law and Indonesian Legal Reform*, UNDIP, Semarang, p. 48.

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

- 4) Property;
- 5) Descendants.

Based on existing views, employment regulations should pay attention to:

- a. Protection of workers' rights is clear, especially provisions related to stricter supervision and agreements regarding the separation and determination of workers with fixed-term agreements in their implementation, considering that many employers do not provide clear work agreements regarding this to workers;
- b. There are sanctions for neglecting workers' rights and worker status in work agreements made by employers in an unlawful manner;
- c. There needs to be a firm determination regarding severance pay for workers with a specific time agreement;
- d. The government needs to create regulations regarding assistance for companies facing bankruptcy due to financial problems, so that they can survive and support their workers.

4. Conclusion

Harmonization in industrial relations has not been able to be realized, this is due to the clash of perceptions of the objectives of labor regulations that occur between the state, workers, and employers. This pluralism between legal perceptions occurs as a form of different interests between the state that wants legal certainty, workers who want legal justice, and employers who want the realization of legal benefits in labor regulations in Indonesia. Therefore, there is a need for an update to labor regulations that are able to realize clear protection of labor rights, especially provisions related to stricter supervision and agreements regarding the separation and determination of workers with fixed-term contracts in their implementation considering that many employers do not provide clear work agreements regarding this to workers, the existence of sanctions for neglecting labor rights and worker status in work agreements made by employers unlawfully, the existence of strict determinations regarding severance pay for workers with fixed-term contracts, and regulatory updates regarding assistance to companies that will experience bankruptcy due to financial problems, so that they are able to survive and support their workers. These various existing problems



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

have resulted in the sidelining of guarantees for the protection of women's rights as workers in existing work agreements.

5. References

Journals:

- Ahmad Ali MD, "Keadilan Hukum Bagi Orang Miskin," *Jurnal Mimbar Hukum dan Keadilan*, (Jogjakarta) Edisi 1, 2012
- Fence M. Wantu, "Mewujukan Kepastian Hukum, Keadilan dan Kemanfaatan Dalam Putusan Hakim di Peradilan Perdata," *Jurnal Dinamika Hukum*, (Gorontalo) Vol. 12 Nomor 3
- Muhammad Rahmadzani Hidayat dan Qurrotul Aini, "Perlindungan Hak Tenaga Kerja Terhadap Buruh Perempuan Yang Mendapatkan Ketidakadilan di Tempat Kerja (Studi Kasus PT. AFI)", *Media Hukum Indonesia (MHI)*, Vol.2, No.2, 2024
- Torben Spaak, Meta-Ethics And Legal Theory: The Case Of Gustav Radbruch, *Law and Philosophy Journal*, Vol. 28, No. 3, May, 2009

Books:

- Algra, dkk., 1983, *Mula Hukum*, Jakarta : Binacipta
- Endah Wahyuningsih, Sri, 2013, *Prinsip-Prinsip Individualisasi Pidana Dalam Hukum Islam Dan Pembaharuan Hukum Indonesia*, UNDIP
- Hasan, Muhammad dan Azis, Muhammad, 2018, *Pembangunan Ekonomi Dan Pemberdayaan Masyarakat, Strategi Pembangunan Manusia Dalam Perspektif Ekonomi Lokal*, Sulawesi Selatan : CV. Nur Lina
- Krausz, Michael and W. Meiland, Jack (eds.), 1982, *Relativism: Cognitive and Moral*, University of Notre, Notre Dame & London : Notre Dame Press
- LBH Jakarta, 2021, *Buruh Dicekik Pandemi*, Jakarta : LBH Jakarta
- Mertokusumo, Sudikno, 2005, *Mengenal Hukum Suatu Pengantar*, Yogyakarta : Liberty
- P. Panggabean, Henry, 1991, *Penyalahgunaan Keadaan (Misbruik van Omstandigheden) Sebagai Alasan (Baru) Untuk Pembatalan Perjanjian (Berbagai Perkembangan Hukum Di Belanda)*, Jogjakarta : Liberty
- Paton, G.W., 1969, *A Textbook of Jurisprudence*, Oxford University Press, England
- Rahardjo, Satjipto, 2012, *Ilmu Hukum*, Bandung : Citra Aditya Bakti
- Sukirno, Sadono, 2002, *Makro Ekonomi Modern*, Jakarta : P.T. Rajawali Grafindo Persada
- Van Apeldoorn, L.J., 1993, *Pengantar Ilmu Hukum*, terj. Oetarid Sadino, Jakarta : Pradnya Paramita
- W. Patterson, Edwin (ed.), 1950, *The Legal Philosophies of Lask, Radbruch, and Dabin*, Cambridge, Massachusetts : Harvard University Press



LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Regulation:

Government Regulation of the Republic of Indonesia No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment

Law No. 11 of 2020 concerning Job Creation

Law No. 13 of 2003 concerning Manpower

The 1945 Constitution of the Republic of Indonesia

Internet:

Fires in Indonesia burn 1,6, ha of Land Mostly Former Forests: Satellite Data"

<https://www.thejakartapost.com/life/2019/12/02/fires-inindonesia-burn-1-6m-ha-of-land-mostly-former-forests-satellite-data.html>, accessed on 5

June 2026

<https://sipp.pn->

semarangkota.go.id/list_perkara/type/NkhqRmZVWWU1Wm16Y05zbGFneExEL09QVkJJV3JQMnJuUS9aUkNoUTBwMkJ0V1gyZDFvbmNUa3QrYkpCNERUM0dFbk5Ob2VUTk1wWVAybEc3Z3p1dHc9PQ==, accessed on 23

March 2026

Mahkamah Konstitusi, MK: Inkonstitusional Bersyarat, UU Cipta Kerja Harus Diperbaiki dalam Jangka Waktu Dua Tahun, <https://www.mkri.id/index.php?page=web.Berita&id=17816>, 12 May 2026