



## LAW REFORM ON SEVERANCE PAY DUE TO THE GLOBAL ECONOMIC CRISIS AND THE IMPACT OF WAR: THE VALUE OF JUSTICE

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### ABSTRACT

*This study aims to analyze the legal issues related to severance pay arrangements in termination of employment due to the global economic crisis, examine comparative worker protection after termination of employment due to the global crisis, and formulate a legal reconstruction of severance pay funds based on justice. The research method used is doctrinal legal research. The results of the study indicate that severance pay remains a worker's right arising from termination of employment and cannot be replaced by Job Loss Insurance, because Job Loss Insurance only functions as additional protection after termination of employment. The comparative study shows that worker protection can be strengthened through unemployment insurance, vocational training, job placement services, and a special fund for the garment sector collected from export activities. The legal reconstruction of severance pay funds in Indonesia should be directed at establishing mandatory severance savings during employment, providing emergency funds for the garment sector, strengthening Job Loss Insurance benefits, and strict verification of crisis-related reasons used by companies in carrying out layoffs, so that the burden of risk can be shared fairly between workers, employers, and the state.*

## 1. INTRODUCTION

The war between Russia and Ukraine has had far-reaching effects not only on the two countries involved but also on other countries around the world.<sup>1</sup> The conflict has caused a humanitarian<sup>2</sup> crisis marked by numerous casualties, population displacement, damage to public facilities, and disruption of social life.<sup>3</sup> Its impact has also been felt in the global economy<sup>4</sup> because Russia and Ukraine play important roles in the trade of strategic commodities.<sup>5</sup> Russia's attack on Ukraine occurred when the world was still in the recovery<sup>6</sup> phase following the Covid-19 pandemic, thereby intensifying pressure on the global economy. The World Bank recorded that the war affected global trade<sup>7</sup> and global economic growth, while the World Bank's commodity report also showed a surge in food and energy prices since the outbreak of the war.<sup>8</sup>

Indonesia, as a country with a large manufacturing sector<sup>9</sup>, has also felt these impacts, particularly in the textile and garment industries. The garment industry holds an important position because it absorbs a large number of workers, is spread across industrial areas on the island of Java, and depends on demand from foreign markets such as the United States, Japan, and European countries.<sup>10</sup> Data from Statistics Indonesia show that exports of ready-made garments from textiles remain closely linked to these main destination countries, meaning that changes in global demand directly affect the continuity of domestic production.<sup>11</sup>

The garment sector on the island of Java is one of the business sectors vulnerable to declining export orders, rising raw material costs, and shifts in global trade patterns. Companies experiencing financial weakening often choose labor efficiency as a measure to save their business. This choice has a direct impact on workers because employment termination eliminates their main source of income, disrupts the fulfillment of family needs, and increases social risks for lower-middle-wage labor groups. Based on One Data Manpower records, from January to December 2024 there were 77,965 workers affected by

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<sup>1</sup> Mingsong Sun, Xinyuan Cao, Xuan Liu, Tingting Cao, and Qirong Zhu, The Russia-Ukraine Conflict, Soaring International Energy Prices, and Implications for Global Economic Policies, *Heliyon*, Vol.10, (2024), <https://doi.org/10.1016/j.heliyon.2024.e34712>

<sup>2</sup> Medi Hariyo Wibowo, dkk. Adaptasi Hukum Humaniter terhadap Perang Asimetris: Alternatif Normatif dan Strategi Implementasi. *Jurnal COMSERVA*, Vol.5 No.1 (2025), p.228-242, <https://doi.org/10.59141/comserva.v5i1.3124>

<sup>3</sup> Dilshad Sarwar and Sara Rye, The Impact of the Russia-Ukraine War on Global Supply Chains: A Systematic Literature Review, *Frontiers in Sustainable Food Systems*, Vol.9, (2025), <https://doi.org/10.3389/fsufs.2025.1648918>

<sup>4</sup> Alberto Abadie and Javier Gardeazabal. The Economic Costs of Conflict: A Case Study of the Basque Country. *The American Economic Review*, Vol.93, No.1 (Mar., 2003), p.113-132, American Economic Association Stable, <http://www.jstor.org/stable/3132164>

<sup>5</sup> Xi-Yin Zhou, Gang Lu, Zhicheng Xu, Xiaoqing Yan, Soon-Thiam Khu, Junfeng Yang, and Jian Zhao, Influence of Russia-Ukraine War on the Global Energy and Food Security, *Resources, Conservation and Recycling*, Vol.188, (2023), <https://doi.org/10.1016/j.resconrec.2022.106657>

<sup>6</sup> Eliav Lieblich. Wars of Recovery. *The European Journal of International Law*, Vol.34, No.2 (2023), p.349–381, <https://doi.org/10.1093/ejil/chad026>

<sup>7</sup> Marvien Aryaka, dkk. Pengaruh Perang Dunia I dan II Terhadap Pembentukan Hukum Humaniter Modern. *JURNAL LOCUS: Penelitian dan Pengabdian* Vol.4, No.8 (2025), <https://doi.org/10.58344/locus.v4i8.4202>

<sup>8</sup> Rima Assaf, Deeksha Gupta, and Rahul Kumar, The Price of War: Effect of the Russia-Ukraine War on the Global Financial Market, *The Journal of Economic Asymmetries*, Vol.28, (2023), <https://doi.org/10.1016/j.jeca.2023.e00328>

<sup>9</sup> Alberto Abadie and Javier Gardeazabal. The Economic Costs of Conflict: A Case Study of the Basque Country. *The American Economic Review*, Vol.93, No.1 (Mar., 2003), p.113-132, American Economic Association Stable, <http://www.jstor.org/stable/3132164>

<sup>10</sup> Vita Sarasi, Ina Primiana, Budi Harsanto, and Yayan Satyakti, Sustainable Supply Chain of Indonesia's Textile & Apparel Industry: Opportunities and Challenges, *Research Journal of Textile and Apparel*, Vol.28, No.4 (2024), p.819-838, <https://doi.org/10.1108/RJTA-08-2022-0091>

<sup>11</sup> Badan Pusat Statistik, Ekspor Pakaian Jadi (Konveksi) dari Tekstil Menurut Negara Tujuan Utama, 2012–2024, Tabel Statistik, <https://www.bps.go.id/id/statistics-table/1/MjAyNiMx/ekspor-pakaian-jadi-konveksi-dari-tekst> accessed April 20, 2026

employment termination, making the issue of worker protection in employment termination highly significant for Indonesian labor law.<sup>12</sup>

The regulation of severance pay under Law No. 6 of 2023 concerning Job Creation serves as the main legal basis for workers who experience employment termination.<sup>13</sup> These provisions regulate severance pay, long-service pay, and compensation pay as forms of economic protection for workers after the employment relationship ends. Government Regulation Number 35 of 2021 also regulates the procedures for employment termination and its legal consequences for employers and workers. The latest development through Constitutional Court Decision Number 168/PUU-XXI/2023 provides an important affirmation of Article 156 paragraph (2), namely that the severance pay formula is to be interpreted as a “minimum” threshold, thereby providing room to strengthen worker protection in negotiations and the settlement of industrial relations disputes.<sup>14</sup>

The Constitutional Court’s affirmation of the severance pay formula as a “minimum” threshold indicates that worker protection in employment termination still has room to be strengthened through fairer legal reform<sup>15</sup>. For workers, severance pay functions as an economic guarantee after losing employment, while for employers, severance pay regulation needs to be designed proportionally so that it remains implementable when companies face business pressure. The state has a role in maintaining the balance of industrial relations through regulations that fairly distribute the risk burden of employment termination among workers, employers, and the government.<sup>16</sup>

Previous research by Kurnia et al. states that severance pay is an independent right of workers that cannot be replaced or reduced by social security benefits, so the risk of employment termination remains the responsibility of the employer.<sup>17</sup> Another study by Lubis states that changes to employment termination rules after the Job Creation Law provide greater room for companies to make employment termination decisions and place workers in a weaker bargaining position.<sup>18</sup>

The novelty of this study compared to previous research lies in the expansion of the legal reform study on severance pay funds by linking the impact of the economic crisis caused by the Russia–Ukraine War to the labor-intensive garment industry on the island of Java, while also incorporating a legal comparison with Vietnam and Bangladesh as fellow garment-producing countries. This comparison serves as the basis for formulating a fair distribution of the employment termination burden among workers, employers, and the state. Accordingly, this study is directed toward a model of severance pay legal reform that positions severance pay funds as economic protection for workers while still taking

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<sup>12</sup> Kementerian Ketenagakerjaan RI, Tenaga Kerja ter-PHK Tahun 2024, <https://satudata.kemnaker.go.id/data/kumpulan-data/2342Bisnis.com+2satudata.kemnaker.go.id+2satudata.kemnaker.go.id+2> accessed April 20, 2026

<sup>13</sup> Fajar B. Hirawan, Adinova Fauri, Henriko Tobing, and Muhyiddin, Kajian UU 11/2020 tentang Cipta Kerja Klaster Ketenagakerjaan: Studi pada Regulasi Pengupahan, PHK, dan Pesangon, *Jurnal Ketenagakerjaan*, Vol.18, No.1 (2023), p.1-13, <https://doi.org/10.47198/jnaker.v18i1.205>

<sup>14</sup> Ristio and Diding Rahmat, Tinjauan Yuridis Nilai Pesangon Perusahaan Melakukan Efisiensi Setelah Diberlakukannya Undang-Undang Cipta Kerja No. 6 Tahun 2023, *Lex Omnibus: Jurnal Hukum Tata Negara dan Administrasi Negara*, Vol. 1, No. 1, 2024, p. 8-18, <https://doi.org/10.08221/lexomnibus.v1i1.36>

<sup>15</sup> Ismaidar, dkk. Analysis of the Role of Legal Politics and Challenges in Post-Reformation Legal Reform. *International Journal of Sociology and Law* Vol.2, No.1 (2025), <https://doi.org/10.62951/ijsl.v1i4.291>

<sup>16</sup> Zellius Ragiliawan and Beni Teguh Gunawan, Jaminan Kehilangan Pekerjaan (JKP) dalam Perspektif Belanja Negara, *Jurnal Ketenagakerjaan*, Vol.16, No.1 (2021), p.48-60, <https://doi.org/10.47198/naker.v16i1.89>

<sup>17</sup> Ade Chandra Kurnia, Rusdianto Sesung, and Febrian Rizki Pratama, Normative Contestation between Severance Pay and Employment Social Security in Indonesian Labour Law, *TATOHI: Jurnal Ilmu Hukum*, Vol.5, No.11 (2026), <https://doi.org/10.47268/tatohi.v5i11.3651>

<sup>18</sup> Achmad Halim Lubis, Analisis Pengaturan Ketenagakerjaan Pasca Pengesahan Undang-Undang Cipta Kerja dalam Pemutusan Hubungan Kerja (PHK) Sepihak oleh Perusahaan (Studi Kasus Putusan Nomor 229K/Pdt.Sus-PHI/2022), *Jurnal Hukum Lex Generalis*, Vol.6, No.5 (2025), <https://doi.org/10.56370/jhlg.v6i5.1717>

into account the company's ability to pay when facing business pressure caused by global economic turmoil.

The purpose of this study is to analyze the legal problems concerning the regulation of severance pay funds in employment termination due to the global economic crisis in the garment industry. This study also aims to examine the comparison of post-termination worker protection in Vietnam and Bangladesh as a basis for severance pay legal reform in Indonesia, and to formulate a reconstruction of severance pay fund law based on the value of justice<sup>19</sup>.

## 2. RESEARCH METHODS

The research method used in this study is doctrinal legal research.<sup>20</sup> The approaches employed include the statutory approach, conceptual approach, and comparative legal approach.<sup>21</sup> The conceptual approach examines the concepts of severance pay, termination of employment, worker protection, employer capacity to pay, and the value of justice in industrial relations. The comparative law approach compares severance pay and worker protection regulations in Vietnam and Bangladesh, particularly in the export-oriented garment industry.

## 3. RESULT AND DISCUSSION

### 3.1. The Legal Problems of Severance Pay in the Context of Crisis

The employment relationship between workers or laborers and a company is generally marked by the signing of an employment agreement by both parties. The relationship between workers and the company is one of mutual need, in which workers need employment to earn a living, while the company requires workers' labor to operate its business. Considering the position of both parties, workers are in a vulnerable position, unable to obtain the compensation they are entitled to under the law.<sup>22</sup> Problems between employers and workers may arise within such an employment relationship, whether simple or complex, and may be resolved either amicably or through legal channels.<sup>23</sup>

Indonesia, as a state based on law<sup>24</sup>, places labor protection as part of the state's responsibility to realize public welfare. Pancasila serves as the moral foundation for the formation of labor law<sup>25</sup> so that employment relations are carried out in accordance with human dignity, legal certainty, and a balance of interests between workers and employers. This transformation reflects profound structural changes in modern labor markets driven by globalization, technological progress, digitalization, and the rapid

<sup>19</sup> Irwan Triadi, dkk. Urgensi Reformasi Hukum Militer Dalam Menjamin Keadilan Bagi Prajurit Dan Masyarakat Sipil. *Causa: Jurnal Hukum dan Kewarganegaraan*, Vol.14, No.2 (2025), <https://doi.org/10.6679/5ft9av24>

<sup>20</sup> Kornelius Benuf and Muhamad Azhar, Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, *Gema Keadilan*, Vol.7, No.1 (2020), p.20-33, <https://doi.org/10.14710/gk.2020.7504>

<sup>21</sup> Tunggal Ansari Setia Negara, Normative Legal Research in Indonesia: Its Originis and Approaches, *Audito Comparative Law Journal (ACLJ)*, Vol.4, No.1 (2023), p.1-9, <https://doi.org/10.22219/aclj.v4i1.24855>

<sup>22</sup> Viorizza Suciani Putri, etc, Protection of Human Rights in the Execution of Forced Attempts against State Administrative Court Decisions, *Jurnal Konstitusi*, Vol.21, No.3 (2024), p.392-412 DOI: <https://doi.org/10.31078/jk2133>

<sup>23</sup> Rudi Febrianto Wibowo and Ratna Herawati, Perlindungan Bagi Pekerja Atas Tindakan Pemutusan Hubungan Kerja (PHK) Secara Sepihak, *Jurnal Pembangunan Hukum Indonesia*, Vol.3, No.1 (2021), p.109-120, <https://doi.org/10.14710/jphi.v3i1.109-120>

<sup>24</sup> Latipulhayat, A., & Dwi Harijanti, S. Indonesia's Approach to International Treaties: Balancing National Interests and International Obligations. *Padjadjaran Journal of International Law*, Vol.6, No.2 (2022). p.201-216, <https://doi.org/10.23920/pjil.v6i2.915>

<sup>25</sup> Tiarsen Buaton, Agustinus Purnomo Hadi, et.al. Reformasi Sistem Peradilan Militer Indonesia (Reform of the Indonesian Military Justice System). *Jurnal Studi Multidisiplin Ilmu*, Vol.2, No.1 (2024), p.37- 51, <https://doi.org/10.35912/jasmi.v2i1.3517>

expansion of non-standard forms of employment.<sup>26</sup> The regulation of severance pay falls within this framework because employment termination is directly related to workers' right to a decent livelihood after the employment relationship ends. The state is obliged to provide rules capable of protecting workers while also ensuring certainty for employers in conducting business activities.<sup>27</sup>

The government has allowed for a weakening of labor protections, leaving workers more vulnerable to exploitation in the event of job loss.<sup>28</sup> For workers, employment termination marks the beginning of the loss of livelihood because the employment relationship that has served as their source of income has ended. This condition may cause economic hardship for workers and their families, especially in meeting daily needs. Therefore, employment termination must be placed as a last resort in industrial relations, so that workers, employers, and the state need to encourage settlements that maintain business continuity while still protecting workers' rights.<sup>29</sup>

According to Imam Soepomo, labor law is a body of regulations, both written and unwritten, concerning the condition of a person who works for another person in return for wages. This view shows that labor law arises from the relationship between work, wages, work orders, and protection for workers. Severance pay occupies an important position in this relationship because it becomes a worker's right when the employment relationship ends through termination of employment.<sup>30</sup>

Severance pay serves as economic security for workers after losing their jobs. This right is directly related to the employee's length of service, dedication, and need to maintain a family life after the primary source of income ends. In such circumstances, company regulations<sup>31</sup> should at least cover the rights and obligations of employers and employees, working conditions, company rules, and the duration of those rules.<sup>32</sup> Long-service pay and compensation pay are components accompanying severance pay so that workers receive their rights more properly. The obligation to pay severance also serves as a measure of the employer's responsibility when the employment relationship ends for reasons justified by law.<sup>33</sup>

Law No. 6 of 2023 concerning Job Creation places severance pay as a worker's right that must be paid by the employer when employment termination occurs. Article 156 paragraph (1) states the employer's obligation to pay severance pay, long-service pay, and compensation pay that should be received by the

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<sup>26</sup> Natalia Opolska, etc, Development of Legislation on the Protection of Human Rights in the Field of Occupational Safety and Health, *Nusantara: Journal of Law Studies*, Vol.5, No.1 (2026), p.123-146 <https://doi.org/10.5281/zenodo.18821048>

<sup>27</sup> Siti Amara Naelayara and Gunardi Lie, Pemberian Uang Pesangon yang Diakibatkan Pemutusan Hubungan Kerja (PHK) Sepihak: Dasar Hukum beserta Implementasinya di Indonesia, *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.5, No.2 (2024), p.862-867, <https://doi.org/10.38035/jihhp.v5i2.3191>

<sup>28</sup> Deby Fatria Ntobuo, Termination of Employment (PHK) And the Realization of Severance Rights from the Perspective of Labor Law, *Estudiante Law Journal*, Vol.6, No.3 (October 2024), p.804-819 DOI: <https://doi.org/10.33756/eslaj.v6i3.29989>

<sup>29</sup> Andiny Rahimah Kaffah, Pemberian Pesangon Akibat Pemutusan Hubungan Kerja (PHK) di Masa Pandemi Covid-19 (Studi: Undang-Undang Nomor 13 Tahun 2003), *Humani: Hukum dan Masyarakat Madani*, Vol.11, No.2 (2021), p.224-236, <https://doi.org/10.26623/humani.v11i2.3025>

<sup>30</sup> Moh Hamzah Hisbulloh and Ruslina Dwi Wahyuni, Deregulasi Hak Upah dan Pesangon Pekerja dalam Undang-Undang Cipta Kerja Melalui Konsep Omnibus Law, *Lisyabab: Jurnal Studi Islam dan Sosial*, Vol.3, No.1 (2022), p.67-80, <https://doi.org/10.58326/jurnallisyabab.v3i1.121>

<sup>31</sup> Riadhotul Muamalah. Evolution of International Law: From Early Treaties to Concept of Contemporary Sovereignty. *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora*, Vol.2, No.1 (2024), p.73-87. <https://doi.org/10.62383/aliansi.v2i1.671>

<sup>32</sup> Darmawan Yusuf, etc, Embassy of Foreign Country as Employer Subject to Severance Payment Obligations, *Ultimate Journal of Legal Studies (ULJLS)* Vol.01, No.01 (2023), p.13-26 DOI: <https://doi.org/10.32734/uljls.v1i1.13017>

<sup>33</sup> Wylie, N., & Cameron, L. The impact of the World War I on the law governing the treatment of prisoners of war, and the making of a humanitarian subject. *European Journal of International Law*, Vol.29, No.4 (2018), p.1327-1350. <https://doi.org/10.1093/ejil/chy085>

worker.<sup>34</sup> Government Regulation Number 35 of 2021 further regulates the reasons for employment termination, the procedures for termination, and the amount of workers' entitlements according to the basis of the termination. These regulations provide guidance for employers and workers in resolving the legal consequences after the employment relationship ends<sup>35</sup>.

Changes in severance pay regulation after the Job Creation Law have brought a shift in worker protection. Before the amendment, severance pay was understood as the employer's main obligation, calculated based on length of service and the reason for termination. After the amendment, post-termination worker protection is also linked to Job Loss Security or JKP. The presence of JKP expands the forms of protection through cash benefits, access to labor market information, and job training, so that workers receive temporary assistance to re-enter the labor market.<sup>36</sup>

JKP has the status of social security, while severance pay remains a legal obligation of the employer. This distinction is important because JKP originates from the social security scheme, whereas severance pay arises from the employment relationship and the responsibility of the employer. JKP assists workers during the transition period after employment termination, while severance pay is a right arising from the end of the employment relationship. This separation of functions ensures that JKP is not used as a reason to reduce workers' severance pay rights.<sup>37</sup>

The economic crisis caused by the Russia–Ukraine War has placed significant pressure on the business sector through rising energy, food, raw material, and distribution costs. Disruptions in the supply of strategic commodities have affected companies' production costs, exchange rates, and the purchasing power of export destination markets. The garment industry, as a labor-intensive sector, has felt this pressure because its production activities depend on raw materials, logistics costs, and demand from foreign buyers. A decline in export orders can directly affect production capacity and labor needs.<sup>38</sup>

The garment industry on the island of Java is characterized by its labor-intensive and export-oriented nature. Areas such as Sukabumi, Purwakarta, and Semarang are among the garment production centers that supply domestic market needs and global brands. From 2023 to 2025, these industrial centers recorded significant numbers of employment termination due to declining orders and pressure from production costs. Several garment factories that had supplied global brands carried out mass layoffs after cancellations or reductions of orders from buyers in the European Union, which were affected by the

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<sup>34</sup> Satria Hadi Wibowo and Juan Matheus, Tinjauan Yuridis Pemberian Uang Pesangon kepada Karyawan yang Di-PHK Pasca Pengesahan Perppu Cipta Kerja, *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial*, Vol.10, No.5 (2023), p.2560-2565, <https://doi.org/10.31604/jips.v10i5.2023.2560-2565>

<sup>35</sup> Wacinkiewicz, Ewelina. International Law-Between Division (Fragmentation) and Unity (Constitutionalisation): Law of Divisions or Law Beyond Boundaries? *US-China Law Review* Vol.12, No.10 (2015), p.768-779. DOI: <https://doi.org/10.17265/1548-6605/2015.10.002>

<sup>36</sup> M. Taufiqurrachman Raiz and Elfrida Ratnawati Gultom, Kontradiksi antara UU Ketenagakerjaan dan UU Cipta Kerja dengan PP No. 35 Tahun 2021, *UNES Law Review*, Vol.5, No.4 (2023), p.2689-2703, <https://doi.org/10.31933/unesrev.v5i4.502>

<sup>37</sup> Akis Jahari and Rachmatin Artita, Perlindungan Hukum terhadap Pekerja Akibat Pemutusan Hubungan Kerja Tanpa Pesangon Berdasarkan Undang-Undang Nomor 13 Tahun 2003 dan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja, *Case Law: Journal of Law*, Vol.4, No.2 (2023), p.79-100, <https://doi.org/10.25157/caselaw.v4i2.3264>

<sup>38</sup> Bakrie, Connie Rahakundini, Mariane Olivia Delanova, and Yanyan Mochamad Yani. "Pengaruh perang Rusia dan Ukraina terhadap perekonomian negara kawasan Asia Tenggara." *Caraka Prabhu: Jurnal Ilmu Pemerintahan*, Vol.6, No.1 (2022), p.65-86. <https://doi.org/10.36859/jcp.v6i1.1019>

energy crisis caused by the war.<sup>39</sup>

This condition shows that employment termination in the garment sector is influenced by global trade turmoil. Companies that depend on export orders face pressure when foreign buyers postpone contracts, request price reductions, or shift orders to other countries. Company cash flow weakens as production decreases, payments are delayed, and raw material costs increase. This situation encourages companies to implement labor efficiency as a measure to maintain business operations.<sup>40</sup>

Layoffs will have a very serious impact on the economy of the worker's family.<sup>41</sup> The legal problem of severance pay arises when the obligation to pay workers' rights encounters the company's declining financial capacity.<sup>42</sup> Article 156 of Law No. 6 of 2023 provides a clear legal obligation, while companies during times of crisis often demonstrate limited ability to pay. In practice, some companies are only able to pay around 50% of the required severance pay on the grounds of efficiency due to the global crisis. This situation raises issues concerning the certainty of workers' rights, the measurement of employers' ability to pay, and the role of the state in ensuring the implementation of labor law.

The use of reasons such as efficiency, company losses, company closure, and force majeure must be proven carefully because each reason carries different legal consequences for the amount of severance pay. Employers need to demonstrate a direct relationship between the global crisis, business decline, and the decision to terminate employment. The required evidence<sup>43</sup> may include financial reports, data on declining orders, cancellations of export contracts, reductions in production volume, and measures taken to prevent termination. Such proof is important to ensure that crisis-related reasons are not used as a means to reduce workers' rights unilaterally.<sup>44</sup>

Garment workers in Java face double pressure during times of crisis, where the loss of wages due to employment termination occurs simultaneously with rising prices of basic necessities. The reduction in the value of severance pay compared to the previous regulation under Law No. 13 of 2003 increases the burden on workers when the employment relationship ends. Severance pay that is only partially paid causes workers to lose the economic support needed to seek new employment, meet household needs, and maintain their children's education.

The value of distributive justice requires a fair distribution of the burden of employment termination among workers, employers, and the state. Workers are entitled to economic protection after losing their jobs. Employers need a payment mechanism that can be implemented when companies truly experience business pressure. The state has an important role in strengthening supervision, examining the reasons

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<sup>39</sup> Henriko Tobing, Habibi Nugroho, Iqbal Faza Ahmad, and Muhyiddin Muhyiddin. Kebijakan Ketenagakerjaan dalam Rangka Antisipasi Krisis Global Pasca Pandemi COVID-19. *Jurnal Ketenagakerjaan*, Vol.17, No.3 (2022), p.201-209. <https://doi.org/10.47198/naker.v17i3.182>

<sup>40</sup> Syifa Hoerunisa, Halimah Zahrah, Dimas Satria Iskandar, and Adam Riski Mubarak. Analisis Strategi Perusahaan dalam Pemutusan Hubungan Kerja (PHK) Terhadap Kinerja Perusahaan pada Industri Tekstil. *PENG: Jurnal Ekonomi dan Manajemen*, Vol.2, No.4 (2025), p.4490-4496. <https://doi.org/10.62710/n7n94a39>

<sup>41</sup> Mohammed Abdela Mahammed, Analysis of Covid-19 Lockdown Policy Impact by The Government of The Country on the Economic Sector and Signing of Working Relationships (Layoffs), *IJLR: International Journal of Law Reconstruction*, Vol.4, No.1 (April 2020), p.44-55 DOI: <https://dx.doi.org/10.26532/ijlr.v4i1.10942>

<sup>42</sup> Sri Sukanti, Atrika Iriani, Raniasa Putra, Muhammad Abduh, Sriati, and Akhmad Mustain, Formulasi Kebijakan Pemerintah tentang Jaminan Kehilangan Pekerjaan di Indonesia, *Jurnal Ilmu Hukum, Humaniora dan Politik*, Vol.5, No.5 (2025), p.4557-4567, <https://doi.org/10.38035/jihhp.v5i5.5033>

<sup>43</sup> Louis-Alexandre Berg and Marlon Carranza, Organized criminal violence and territorial control: Evidence from northern Honduras. *Journal of Peace Research*, Vol.55, Issue.5 (2018), <https://doi.org/10.1177/002234331775279>

<sup>44</sup> Achmad Faisal, Peningkatan Implementasi Jaminan Kehilangan Pekerjaan dari Program Badan Penyelenggara Jaminan Sosial Ketenagakerjaan, *Ranah Research: Journal of Multidisciplinary Research and Development*, Vol.7, No.5 (2025), p.3910-3915, <https://doi.org/10.38035/rrj.v7i5.1678>

for employment termination, ensuring the payment of workers' rights, and providing support through JKP or buffer funds for labor-intensive sectors affected by global economic turmoil.

Constitutional Court Decision Number 168/PUU-XXI/2023 provides important reinforcement for severance pay protection. The severance pay formula in Article 156 paragraph (2) is interpreted as a "minimum" threshold, thereby giving workers room to obtain better severance pay through negotiation, employment agreements, company regulations, collective labor agreements, or industrial relations dispute settlement. This affirmation shows that the amount of severance pay stipulated in the law constitutes a minimum standard that may be developed according to agreements and the circumstances of the employment relationship. Through this Decision, the Constitutional Court, in its role as a driver of social change, encourages the Government to make changes to regulations regarding the Employment Law.<sup>45</sup>

The direction of severance pay legal reform during times of crisis needs to place workers, employers, and the state within a fair distribution of responsibility. Workers receive severance pay guarantees as economic support after employment termination. Employers obtain legal certainty regarding payment procedures when companies truly experience business pressure. The state strengthens supervision, verification of termination reasons, implementation of JKP, and buffer fund support for labor-intensive sectors affected by global economic turmoil. Through this direction, severance pay law can function both as worker protection and as an instrument to maintain the continuity of industrial relations.

### **3.2. The Comparative Analysis of Post-Termination Protection as a Basis for Severance Pay Law Reform in Indonesia**

Under Vietnamese law, employment termination for economic reasons may be carried out when a company experiences major changes in its business activities, technological changes, changes in labor management, or faces an economic crisis and recession. These provisions are regulated under Vietnam's 2019 Labour Code, particularly concerning the employer's obligation to prepare a labor utilization plan before conducting employment termination. Such a plan must include workers who will continue to be employed, workers who will be retrained, workers who will be transferred to other positions, and workers whose employment relationship will be terminated.<sup>46</sup>

Employers in Vietnam who intend to carry out employment termination for economic reasons are required to consult with the company's trade union. Notification to workers and the provincial-level labor authority must be given no later than 30 days before the termination is implemented. This obligation provides workers with an opportunity to understand the reasons for termination, prepare themselves, and obtain protection from unilateral dismissal.

Vietnam recognizes two forms of payment for workers whose employment relationship ends, namely severance allowance and job-loss allowance. Severance allowance is provided in the amount of half a month's wage for each year of service to eligible workers. Job-loss allowance is provided to workers who lose their jobs due to structural changes, technological changes, economic reasons, company separation, merger, or transfer, in the amount of one month's wage for each year of service, with a minimum of two months' wages.

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<sup>45</sup> Fitri Estiwardani, The Impact of Constitutional Court Decision No. 168/PUU-XXI/2023 on The Employment Cluster in The Job Creation Law: Implications for The Use of Foreign Workers in National Strategic Projects, *JDH: Jurnal Daulat Hukum*, Vol.8, No.2 (2025), p.239-250 DOI: <https://dx.doi.org/10.30659/jdh.v8i2.44863>

<sup>46</sup> Dirk K. Nguyen, Labour Code, Location, and Migration, *The Economic and Labour Relations Review*, Vol.34, No.4 (2023), p.805-824, <https://doi.org/10.1017/elr.2023.50>

In Vietnam's labor system, protection for workers affected by employment termination does not rely solely on compensation payments from employers, but is also supported by state-administered social security. One form of such protection is realized through an unemployment insurance scheme aimed at helping workers maintain their economic condition after losing employment. Unemployment insurance benefits are provided in the form of cash benefits, job placement services, vocational training, and health protection for eligible workers. The amount of cash benefit is calculated at 60% of the average monthly wage used as the basis for contributions during the six consecutive months prior to the worker's job loss.<sup>47</sup>

Meanwhile, under Bangladeshi law, employment termination due to workforce reduction is known as retrenchment. The Bangladesh Labour Act 2006 provides that workers affected by retrenchment must receive one month's prior written notice or wages in lieu of notice.<sup>48</sup> A copy of the notice must also be submitted to the labor authority and the collective bargaining agent in the company, if any. Workers who have worked for at least one year are entitled to compensation equal to 30 days' wages for each year of service, or gratuity if the amount is higher.

Bangladesh gives an important place to the garment sector because this industry is one of the main sources of exports and employment absorption. Protection for garment workers is not only regulated through the general provisions of the Bangladesh Labour Act 2006, but also through the establishment of a Central Fund for the ready-made garments or RMG sector.<sup>49</sup> This fund is collected from a deduction of 0.03% of the export value of the garment industry and is distributed to the central welfare fund for RMG sector workers. This funding model enables garment worker protection to have a financing source derived from the export activities of the sector itself.

The Bangladesh Central Fund functions as a welfare fund for garment sector workers. This fund may be understood as a form of industrial responsibility toward workers who support export production activities. When factories face pressure from declining orders, rising production costs, or disruptions in foreign markets, the fund serves as a social reserve for workers. This pattern is attractive for garment-producing countries because the burden of worker protection does not arise only when companies carry out employment termination, but has been collected since export activities take place.

The fundamental difference between Vietnam's and Bangladesh's regulations lies in the pattern of post-termination worker protection. Vietnam emphasizes protection through strict termination procedures supported by state-administered unemployment insurance. Meanwhile, Bangladesh places greater emphasis on protection through the retrenchment mechanism, written notice, and the establishment of a special Central Fund for the garment sector collected from the value of garment exports.<sup>50</sup>

In the author's view, the most appropriate regulation to be applied in Indonesia is a combination of the Vietnamese and Bangladeshi models, while placing the Bangladeshi model as a priority for the labor-intensive garment sector. Indonesia already has Job Loss Security, which conceptually resembles

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<sup>47</sup> Quang D. Ngo, Activating Voluntary Social Insurance Participation in Vietnam: Examining the Role of Perceptions and Planned Behavior, *SAGE Open*, Vol.15, No.4 (2025), p.1-17, <https://doi.org/10.1177/21582440251379753>

<sup>48</sup> Fathira Rachma, et al. Eksploitasi Buruh Garmen Di Bangladesh Oleh Korporasi Multinasional. *Jurnal Studi Ilmu Politik*, Vol.4, No.4 (2025), p.215-227. <https://doi.org/10.19109/jsipol.v4i4.29974>

<sup>49</sup> Robayet Ferdous Syed and Kazi Tanvir Mahmud, Factors Influencing Work-Satisfaction of Global Garments Supply Chain Workers in Bangladesh, *International Review of Economics*, Vol.69, (2022), p.507-524, <https://doi.org/10.1007/s12232-022-00403-6>

<sup>50</sup> Md Abdullah Al Mamun and Md Mahmudul Hoque, The Impact of Paid Employment on Women's Empowerment: A Case Study of Female Garment Workers in Bangladesh, *World Development Sustainability*, Vol.1, (2022), <https://doi.org/10.1016/j.wds.2022.100026>

Vietnam's unemployment insurance, so the more urgent reform is the establishment of a special garment-sector fund similar to Bangladesh's Central Fund. This fund may be collected from a small percentage of garment export value, company contributions, and state support during a global economic crisis. Such a scheme is suitable for Indonesia because the garment industry on the island of Java is highly dependent on export orders and vulnerable to mass layoffs when orders from foreign markets are cancelled. This fund must not replace the employer's obligation to pay severance pay, but should function as a social reserve to help fulfill workers' rights when companies truly experience business pressure. Strengthening Job Loss Security in line with the Vietnamese model can still be implemented as a complement through the improvement of cash benefits, job placement services, and vocational training, so that severance pay legal reform in Indonesia can distribute the burden of employment termination more fairly among workers, employers, and the state.

### **3.3. Legal Reconstruction of Severance Pay Funds for Employment Termination Based on the Value of Justice**

Justice is a fundamental value that constitutes the main objective of lawmaking. Good law is directed toward protecting the rights of every person, maintaining the balance of social relations, and ensuring certainty in social life. In a state governed by law, justice serves as both a moral and juridical measure so that every rule can provide real benefits to the people affected by the legal consequences of an event.<sup>51</sup>

Justice in employment relations holds significant importance because workers and employers exist in a relationship of mutual need. Workers provide labor, time, and expertise to support business activities, while employers provide capital, a workplace, and opportunities to earn income. The state is present through labor regulations to ensure that the rights and obligations of the parties operate in a balanced manner.<sup>52</sup> Worker protection in this regard forms part of legal responsibility because employment is directly related to the fulfillment of human living needs.

Employment termination is a legal event that brings major consequences for workers and their families. Employment termination cuts off a regular source of income, disrupts the fulfillment of household needs, and places workers in a transitional period before obtaining new employment. Severance pay functions as economic support after the employment relationship ends. The position of severance pay is highly important because it serves as a form of appreciation for length of service and as a form of protection for workers who lose their jobs.<sup>53</sup>

The regulation of severance pay in Indonesia has undergone changes following the enactment of Law No. 6 of 2023 concerning Job Creation. Article 156 regulates the employer's obligation to pay severance pay, long-service pay, and compensation pay to workers who experience employment termination.

Government Regulation Number 35 of 2021 provides details on the reasons for employment termination and the legal consequences accompanying it. These regulations provide a legal basis for workers and employers in resolving the consequences of employment termination, including when termination occurs due to efficiency, company losses, company closure, or force majeure.

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<sup>51</sup> Munhamir Ihawana Ahmadi, Perlindungan Hukum terhadap Hak Buruh Pasca Pemutusan Hubungan Kerja yang Berkeadilan, *Yustitiabelen*, Vol.12, No.1 (2026), p.1-22, <https://doi.org/10.36563/1wdhd083>

<sup>52</sup> Eneh N. E., Bakare S. S., Adeniyi A. O., and Akpuokwe C. U., Modern Labor Law: A Review of Current Trends in Employee Rights and Organizational Duties, *International Journal of Management & Entrepreneurship Research*, Vol.6, No.3 (2024), p.540-553, <https://doi.org/10.51594/ijmer.v6i3.843>

<sup>53</sup> Al Diva Zain Farras Saputra and Suraji, Perlindungan Hukum Bagi Pekerja yang Terkena Pemutusan Hubungan Kerja Akibat Resesi Ekonomi, *Pemuliaan Keadilan*, Vol.2, No.3 (2025), p.48-57, <https://doi.org/10.62383/pk.v2i3.990>

Problems arise when companies experience severe economic pressure, such as declining export orders, rising raw material costs, increasing logistics costs, and weakening cash flow. The labor-intensive garment industry is one of the sectors most affected because it depends on foreign markets and absorbs a large number of workers. When companies experience a decline in business, the obligation to pay severance remains attached, while the company's financial capacity often decreases. This condition creates a need for a severance pay regulatory model that is more capable of responding to crisis conditions<sup>54</sup>.

One form of reform that can be developed is the transformation of severance pay funds into a mandatory savings system during the period of employment. This system can be established through the regular accumulation of funds from the time the employment relationship begins. These funds should be managed by an independent institution supervised by the state, so that severance pay is not entirely dependent on the company's cash condition when employment termination occurs. This model provides certainty for workers because their severance pay rights have been prepared during the period of employment, while also reducing the large financial burden that employers must bear within a short period when mass layoffs occur.

The mandatory severance savings system can be designed with contributions from employers, state policy support, and transparent fund management. The amount of contribution may be adjusted according to the business sector, number of workers, risk level of employment termination, and company capacity. Labor-intensive industries such as garments may receive special regulation because they employ large numbers of workers and have a high level of vulnerability to changes in export markets. Fund management must be carried out carefully so that workers receive benefits on time when the employment relationship ends.

Legal reconstruction needs to include a clearer economic crisis clause. Losses caused by corporate mismanagement must be distinguished from losses caused by external crises such as war. This distinction is crucial so that crisis-related reasons can be tested through measurable evidence. State verification is necessary to ensure that crisis-related reasons are used correctly in determining severance pay mechanisms. The industrial relations paradigm shifts from a rigid system to a more flexible one through a formal notification mechanism. While providing companies with room to efficiencies, this regulation still establishes strict legal parameters, requiring layoffs to be based on legal cause and placing layoffs as ultimum remedium after all preventative measures have failed.<sup>55</sup>

The state needs to prepare contingency funds for strategic industries that absorb a large number of workers, particularly the labor-intensive garment sector. This idea may adopt Bangladesh's Central Fund model, which establishes a special fund for the ready-made garments sector from a percentage of garment export value to support worker welfare. In Indonesia's legal reform, such a contingency fund may be collected from contributions based on the value of garment exports. This fund may be directed toward assisting the partial payment of workers' rights when a company is proven to experience severe pressure due to order cancellations, rising production costs, or disruptions in international trade. Such assistance does not eliminate the employer's obligation to pay severance pay, but serves as a buffer mechanism so that workers continue to receive economic protection when companies face financial difficulties.

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<sup>54</sup> Ong Argo Victoria & S. William. United States (USA) Economic Policy Towards International Recession. *Law Development Journal* (LDJ), Master of Law, UNISSULA, Vol.7, Issue.1 (2025), p.121-131, <https://dx.doi.org/10.30659/ldj.7.1.121-131>

<sup>55</sup> Jihan Zuhur Rahmah, etc, Analisis Hukum Terhadap Pemutusan Hubungan Kerja (Phk) Sepihak Oleh Perusahaan: Tinjauan Hukum Ketenagakerjaan Indonesia, *CAUSA: Jurnal Hukum dan Kewarganegaraan* Vol.16, No.6 (Tahun 2026), DOI: <https://doi.org/10.6679/31vek956>

The government should strive to strengthen coordination<sup>56</sup> by providing a strengthened Employment Loss Benefit. It could also learn from the Vietnamese unemployment insurance model. Vietnam provides protection to displaced workers through cash benefits, job placement services, vocational training, and health insurance. This model offers valuable contributions that could be recommended for implementation in Indonesia by expanding the function of the Job Loss Benefit so that it serves not only as temporary cash assistance but also as an entry point for workers to acquire new skills and return to work. Garment workers affected by layoffs can be directed to participate in training programs tailored to the needs of the labor market.

The novelty of this research lies in the idea of reforming severance pay funds for employment termination caused by the global economic crisis in the garment industry by combining three protection models, namely mandatory severance savings during the period of employment, a garment-sector contingency fund adopting Bangladesh's Central Fund, and the strengthening of Job Loss Security by drawing lessons from Vietnam's unemployment insurance. This research also distinguishes company losses caused by mismanagement from losses caused by external crises such as war, so that the reasons for employment termination can be tested through measurable evidence.

#### 4. CONCLUSION

The regulation of severance pay funds for workers affected by employment termination during the global economic crisis still requires legal reform that is more oriented toward the value of justice. The crisis caused by the Russia-Ukraine War has placed significant pressure on the garment industry, causing many companies to experience declining orders that have led to employment termination and problems in the payment of severance pay. Severance pay must still be understood as a worker's right arising from the termination of the employment relationship, while Job Loss Security functions as additional protection that cannot replace the employer's obligation. A comparison with Vietnam and Bangladesh shows that post-termination worker protection can be strengthened through unemployment insurance, job training, job placement services, and a special fund for the garment sector. On this basis, the legal reconstruction of severance pay funds in Indonesia needs to be directed toward four main aspects, namely the establishment of mandatory severance savings during the period of employment, the provision of contingency funds for the garment sector, the strengthening of Job Loss Security benefits, and strict verification of the reasons used by companies in carrying out employment termination.

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<sup>56</sup> Didik Irawansah, etc, Law Economic Development: A Study of Economic Protection and Recovery Policies in the Pandemic Covid-19, *Law and Justice*, Vol. 7, No. 1, 2022, p.109-127 DOI: <https://doi.org/10.23917/laj.v7i1.765>

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