

Analysis of The Implementation of The Job Creation Law on Legal Protection of The Labor

Sri Handayani ¹⁾ & Widayati ²⁾

¹⁾Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: yanihandayani264@gmail.com

²⁾Master of Notary Law, Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: widayati@unissula.ac.id

Abstract. *This study aims to see how the implementation of the Job Creation Law impacts the legal protection of workers at PT Varia Usaha Beton Semarang. There are concerns that workers' rights will be less protected, especially in terms of work contracts, wages, and termination of employment (PHK), due to the many changes in the Job Creation Law. The background to this problem includes other problems faced by construction workers, such as uncertainty about their employment status and their rights after the Job Creation Law was enacted. This study uses a qualitative approach with a normative legal method. Interviews with permanent and outsourced employees and examination of documentation related to company policies were used to collect data. In addition, the study includes reviewing current regulations, including the Manpower Law and the Job Creation Law to understand how policy changes affect legal protection for workers. The results of the study indicate that although the Job Creation Law provides some legal protection for workers, many workers are concerned about work contracts and adequate compensation. To ensure that employees in Indonesia receive adequate protection, this study suggests that further evaluation is needed to ensure that the implementation of the Job Creation Law does not ignore the basic rights of workers, especially at PT Varia Usaha Beton.*

Keywords: *Employment; PT. Varia Usaha Beton Semarang; Labor; Job Creation Law.*

1. Introduction

In the modern era, every aspect of human life is always related to the law, which aims to realize justice for all people. Given the diversity and complexity of interests in Indonesia, the law is designed to accommodate these various needs. As a country of law, Indonesia regulates all aspects of life, including employment, which regulates the relationship between workers, employers, and industrial relations. This policy aims to ensure that the rights of workers and employers are fulfilled, as well as prevent exploitation and violations of human rights in the employment sector.

Based on the 1945 Constitution of the Republic of Indonesia (UUD 1945), the highest legal basis that regulates national and state life in Indonesia. Two important articles that are often discussed are Article 1 paragraph (3) and Article 37 paragraph (2). Article 1 paragraph (3) of the 1945 Constitution shows that Indonesia recognizes the principle of the supremacy of law, where all actions of the government and citizens must be in accordance with applicable laws. The state may not act arbitrarily, and every individual has the right to legal protection. The state functions to protect human rights, guarantee justice, and prevent abuse of power. Article 37 paragraph (2) emphasizes the importance of social welfare as a human right. The main points of Article 37 paragraph (2) are the right to work, decent working conditions, and humanity.

Employment law in Indonesia is regulated in Law Number 6 of 2023 concerning the stipulation of Government Regulation in Lieu of Law (Perppu) Number 2 of 2022 concerning Job Creation. In this context, the law serves to provide legal legitimacy to policies that have been previously implemented through the Perpu, which aims to accelerate the investment process and create jobs in Indonesia.

PT Varia Usaha Beton Semarang as one of the companies operating in the construction sector has an important role in absorbing labor. With the increasing number of workers, new challenges arise regarding the protection of workers' rights. With the change in regulations in the Job Creation Law, PT Varia Usaha Beton Semarang faces the problem of efficiency in the production process, where there is waste that needs to be minimized. The conditions of outsourcing employees and permanent employees at PT Varia Usaha Beton after and before the implementation of the 2023 Job Creation Law have experienced several significant changes regarding employee rights. Outsourcing employees often face uncertainty in terms of their rights, including lower wages and lack of social security and limited rights to participate in trade unions and collective labor agreements, making their position more vulnerable than permanent employees.

Impact on Outsourcing Employees The new regulation may provide an opportunity for companies to rely more on outsourcing, which may worsen the working conditions of outsourced employees. Although there have been some

improvements in their protection, such as the obligation for companies to register all employees with BPJS, implementation in the field is often inconsistent. It is important for companies to ensure that all employees, both permanent and outsourced, receive adequate protection in accordance with applicable laws.

This study aims to analyze the impact of the implementation of the Job Creation Law on legal protection for workers at PT Varia Usaha Beton.

2. Research Methods

This research method consists of: approach method, research specification, data collection method and data analysis method. This study uses a qualitative approach with a normative legal method. Interviews with permanent and outsourcing employees and examination of documentation related to company policies are used to collect data.

3. Results and Discussion

The results of this research and discussion are the Analysis of the Impact of the Implementation of the Job Creation Law on Legal Protection for Workers at PT Varia Usaha Beton as follows:

3.1. Impact of Changes to Employment Contract Arrangements

One of the significant changes stipulated by the Job Creation Law is the regulation of work contracts. Based on an interview with Mr. Arif Fiansyah, Marketing Precast at PT Varia Usaha Beton, conducted on December 6, 2024, he explained that the company is now implementing a more flexible work contract system, in accordance with the new provisions in the Job Creation Law. The company now ensures that each work contract complies with the provisions of the duration and conditions stipulated in the law. Mr. Arif also emphasized that PT Varia Usaha Beton is committed to ensuring that all workers, both outsourced and permanent, receive fair treatment, in accordance with the principles of employment stipulated in the Constitution.19457.

3.2. Impact on Wages and Living Components

The Job Creation Law regulates provisions on minimum wages and components of a decent living, which are now being implemented by PT Varia Usaha Beton. "The company conducts periodic evaluations of the wage structure so that we receive compensation that is in accordance with the needs of a decent life," he said. PT Varia Usaha Beton has adopted a new formula in determining the minimum wage that involves economic growth, inflation, and an index calculated by the Central Statistics Agency (BPS), so that wage determination is not only based on nominal figures, but also on the ability to meet the needs of employees and their families. The Decent Living Component (KHL) is an important aspect

that is considered, covering basic needs such as food, shelter, education, and health.

3.3. Impact on Occupational Health and Safety (K3)

The implementation of the Job Creation Law also focuses on protecting occupational health and safety (K3), which is a major concern for PT Varia Usaha Beton. "We routinely participate in occupational safety training, which includes basic procedures to handling emergency situations," he said. PT Varia Usaha Beton has formulated a clear K3 policy, which includes training, provision of personal protective equipment (PPE), and efforts to create a safe and healthy work environment. The company realizes that this is important to increase productivity and reduce the risk of work accidents. As part of the implementation of the K3 policy, PT Varia Usaha Beton routinely conducts safety training, which does not only covers basic procedures but also the use of heavy equipment and how to identify potential hazards in the workplace. PT Varia Usaha Beton also conducts periodic monitoring and evaluation to ensure the effectiveness of this program. According to Mr. Dwi Santoso, "The training provided is very useful, especially in reducing work accidents. In addition, we are also trained to identify potential hazards in the work area".

3.4. Impact on Industrial Relations

Another significant impact of regulatory changes in the Job Creation Law is the regulation of working hours and workers' rights to holidays. PT Varia Usaha Beton has adjusted its working hour policy to the new provisions that set a maximum working hour of 40 hours per week, divided into 8 hours per day for 5 working days. This policy aims to ensure that employees do not work beyond their capacity to maintain their physical and mental health. This provides an opportunity for employees to balance work and personal life, which is expected to increase employee satisfaction and well-being. According to Mr. Dwi Santoso, Production Supervisor "Flexibility in working hours really helps me in managing my time, especially when there are urgent needs at home".

Overall, the implementation of the 2023 Job Creation Law at PT Varia Usaha Beton regarding working hours and holidays shows the company's commitment to creating a fair and productive work environment. In this context, Gustav Radbruch's theory of justice underlines the importance of a balance between workers' rights and company obligations. By following these new provisions, PT Varia Usaha Beton not only fulfills its legal obligations regulated by law, but also contributes to employee welfare and increased overall productivity, which in turn benefits the wider community, in line with the theory of legal utility. The implementation of this policy also helps to improve more transparent and fair industrial relations, which will support the sustainability of company operations and the welfare of workers in the long term.

4. Conclusion

Analysis of the Impact of the Implementation of the Job Creation Law on Legal Protection for Workers at PT Varia Usaha Beton is in accordance with the Job Creation Law, PT Varia Usaha Beton has implemented a more flexible work contract system. This limits PKWT to five years and provides clarity on the transition to permanent employees, although outsourced workers are still concerned about their status. The company is committed to providing wages that are in accordance with living needs, and involves the Wage Council to make wage determination transparent. To improve employee health and welfare, occupational health and safety (K3) programs have been implemented comprehensively, including training and psychological support, as well as flexible working hour policies and leave rights in accordance with the law. Overall, the implementation of this law reflects the company's efforts to create a fair, productive, and sustainable work environment that helps the community and employees in the long term.

5. References

Habibah Zulaiha, 2022, The Impact of the Ratification of the Omnibus Law Bill in the Perspective of Employment Law, Qawanin: Journal of Economic Syariah Law, Vol.6, No.2.

Heru Budi Utoyo and Mashari, 2022, The Impact of the Job Creation Law (Omnibus Law) on Workers/Laborers in Employment Relations in Companies, Journal of Law, Politics and Social Sciences, Vol.1, No.2

The 1945 Constitution of the Republic of Indonesia

Law No. 6 of 2023 - BPK RI

Kusnul Kotimah, 2023, Analysis of CSR Implementation at PT Varia Usaha Beton Sidoarjo to the Surrounding Environment, Journal of Management, Accounting, Economics, Vol.2No.3