

The Role of Legal Aid Institutions in Resolution Industrial Relations Disputes Against Workers Based on Justice

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Abstract. *Employees or workers who fight to get their rights in the Industrial Relations Court should automatically get legal aid from the Legal Consultation and Aid Institute (LKBH) or labor union, because an employee has not been able to make legal efforts either from the mediation stage to the trial stage. The purpose of this study is to examine and analyze the role of legal aid institutions in providing legal aid to employees who are unilaterally laid off who are fighting in the Industrial Relations Court; as well as to analyze the obstacles and solutions to the implementation of legal aid institutions in providing legal aid to an employee who is fighting to get rights in the Industrial Relations Court. The approach used in this research is a normative juridical method, utilizing primary and secondary data, analyzed qualitatively. This research is more specific, conducting descriptive analysis. The theories used are the theory of justice and the theory of the legal system. The results of this study are (1) The Garuda Yaksa Legal Consultation and Aid Institute (LKBH) plays an important role in realizing justice for employees who are fighting to obtain their rights in the Industrial Relations Court, through a justice-based approach. LKBH Garuda Yaksa accompanied an employee with the initials Y. who received unilateral termination of employment by the company PT. Forestama Kayu Lestari. LKBH Garuda Yaksa provided assistance from the mediation stage, Bipartite negotiations, first-level trials, cassation to execution, ensuring that employee rights are fulfilled, including obtaining fair compensation. This is concrete evidence of LKBH Garuda Yaksa's contribution in fighting for justice based on employee human rights in the Indonesian legal system. (2) Obstacles faced by the Garuda Yaksa Legal Consultation and Aid Institute in providing legal assistance to employees who are fighting to obtain their rights in the Industrial Relations Court include weaknesses in the legal substance, legal structure, and legal culture.*

Keywords: *Industrial Relations Disputes; Legal Aid; Workers.*

1. Introduction

The concept of legal aid in the Legal Aid Law is financial assistance from the State for poor people who are in conflict with the law. Previously, the State did not fulfill the right to legal aid for the community. In fact, this role began and continues to be carried out independently and independently by civil society pioneered by, for example, YLBHI-LBH Kantor which then continues to grow with the birth of civil society organizations working on legal aid issues such as the Indonesian Legal Aid and Human Rights Association, LBH Masyarakat, LBH Apik, LBH Pers, LBH Mawar Saron, LKBH Kampus, Elsam, KontraS, Walhi, etc.¹ In principle, legal aid services provided by legal aid institutions are not aimed at profit. This differs from services provided by law firms, where defense is generally conducted subjectively, seeking profit and the trust of the client. Meanwhile, services provided by legal aid institutions must generally be objective, as the defense is not the individual's interests but their legal standing whose rights must be straightened out, accompanied and fought for in the eyes of the law². The legal assistance needed by citizens or members of the public seeking justice is not merely legal assistance during court proceedings, but also legal assistance throughout the trial process. Therefore, the legal assistance required is structural, not merely conventional. This structural legal assistance encompasses all aspects of community life that come into contact with the law and does not discriminate against any aspect, including the fight for workers' rights.

The rights of workers must be considered by employers in terms of termination of employment, because the employer's actions do not automatically end the employment relationship between the company and the worker. There needs to be a termination process to end the employment relationship that has been established between the employer and the worker due to the employer's actions in terminating the employment relationship which is an effort that may have to be avoided by workers and employers as referred to in the Republic of Indonesia Law Number 13 of 2003 concerning Manpower, but in the case of termination of employment cannot be avoided by each party, then the employer is obliged to provide all the workers' rights that arise due to the termination of employment.

¹Hilman Hadikusuma, (2001), *Aspek-Aspek Bantuan Hukum di Indonesia*, Jakarta : Cendana Press, p. 21.

²Sinto Adi Prasetyorini, (2024), *Reformulasi Pengaturan Pendirian Lembaga Bantuan Hukum dalam Upaya Mewujudkan Kepastian Hukum*, Semarang : CV. Lawwana, p. 15

Termination of employment that occurred at an employee with the initials Y who came to consult and ask for help from LKBH GARUDA YAKSA as an employee/laborer at Pt. Forestama Kayu Lestari, who serves as Head of Accounting as stated in the certificate issued by Pt. Forestama Kayu Lestari with Number 029/SK/FKL/VII/20, but the work ordered or given by Pt. Forestama Kayu Lestari is a job as Spv. AFT (Supervisor Accounting Finance Tax) which is a continuous, uninterrupted job and is part of the main job in the company. That the legal relationship or employment relationship for employee Y with Pt. Forestama Kayu Lestari, is based on employee Y having served a period of employment from December 2, 2019 to January 31, 2020 based on the signed PKWT, until the PKWT period ended, employee Y continued to work from March 1, 2020 until finally being unilaterally dismissed suddenly on July 28, 2020 by Pt. Forestama Kayu Lestari.

According to employee Y, Pt. Forestama Kayu Lestari should not have immediately terminated his employment by ignoring and violating the stages/procedures regulated in Law Number 13 of 2003 concerning Manpower because the Company's actions in unilaterally terminating the employment of employees for reasons that are not in accordance with applicable legal provisions, then these actions can be qualified as an action of terminating the employment relationship that is contrary to the terms and procedures for Termination of Employment as regulated in Law Number 13 of 2003. A company's unilateral termination of employment can result in industrial relations disputes between workers and the company, particularly disputes over unilateral termination of employment. Technically, there are settlement measures regulated by Law of the Republic of Indonesia Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. As role Institution Legal Aid (LBH) in providing legal assistance to the employee/laborer, because the act of terminating employment was carried out by the company unilaterally and must be resolved in the Settlement at the Semarang Industrial Court so that the employee gets his rights and justice in the eyes of the law.

2. Research Methods

The research conducted by the author falls into the category of doctrinal research, often referred to in Indonesia as a normative research method. Doctrinal legal research is the study of law developed and conceptualized based on the doctrines adopted by its conceptualizer and/or developer.³

³Soetandyo Wignjosoebroto, (2013), Ragam-Ragam Penelitian Hukum, dalam Sulistyowati Irianto dan Shidarta, ed., Metode Penelitian Hukum: Konstelasi dan Refleksi, Jakarta : Cetakan Kedua Yayasan Pustaka Obor, p. 121-141

In practice, this research was conducted to analyze the problem by combining legal materials with field conditions. The results of this analysis can be used as a reference in enforcing the law on industrial relations cases, also taking into account applicable regulations. Using a statute approach, we can present answers to the problems raised in this research. The statute approach is an approach that refers to statutory regulations.⁴

3. Results and Discussion

3.1. The Role of Legal Aid Institutions in Providing Legal Assistance to Workers in Justice-Based Industrial Relations Courts

Indonesia is a state based on law (*rechtstaat*) and not a state of power (*machtsstaat*). In a state based on law, the individual and the state are equal. State power is limited by the constitution and laws. According to the Preamble to the 1945 Constitution, the state must protect the entire nation and all of Indonesia's territory. In his book *Understanding the Rule of Law*, Moh. Yamin defines the rule of law (*rechtstaat*) or government of laws as follows: "The power exercised by the government is only based on and derived from the law and is never based on the power of arms, arbitrary power, or the belief that only physical power can resolve all disputes within the state."⁵

The provision of legal aid is regulated by Law Number 16 of 2011 concerning Legal Aid. The provision of legal aid aims to guarantee and fulfill the rights of the poor to access justice. Furthermore, it serves to realize the constitutional rights of all citizens in accordance with the principle of equality before the law. The right to be defended by an advocate or legal advisor (access to legal counsel) and to be treated equally before the law (equality before the law) in order to obtain justice is a human right for all, or justice for all.⁶

Legal aid is a concept that answers the needs of the community for the adage "the law is sharp downwards, the law is blunt upwards". The existence of Law No. 16 of 2011 concerning Legal Aid is inseparable from the legal reform agenda that provides the right for its citizens to obtain justice (access to justice) and the right to obtain a fair and impartial trial (fair trial) including through the provision of legal aid. The method used is empirical normative, where in addition to reviewing written regulations, namely Law No. 16 of 2011 concerning Legal Aid, it is also reviewed regarding the implementation of normative legal provisions of Law No.

⁴Ronny Hanitijo Soemitro, (2015), *Metode Penelitian Hukum dan Jurimetri*, Jakarta : Ghalia Indonesia, p. 39.

⁵Sudargo Gautama, (1983), *Pengertian Tentang Negara Hukum*, Alumni, Bandung, p. 22

⁶Retno Sari Dewi & Viendha Yuli Agustin, Peran Lembaga Bantuan Hukum "Kartini" Dalam Menjamin Danmemenuhi Hak Rakyat Miskin Untuk Mendapatkan Akses Keadilan di Dalam Proses Peradilan, *Yustitiabelen*, Vol. 3 No. 1, 2017, p. 89-107.

16 of 2011 concerning Legal Aid in its actions in the event of legal aid institutions in access to justice in the provision of legal aid.⁷

The purpose of establishing Law No. 16 of 2011 concerning Legal Aid is to create a legal umbrella for legal aid institutions to be able to move more freely and freely but still within the legal corridor in providing legal assistance to the wider community, especially those classified as underprivileged. The many legal aid institutions that have emerged are highly expected to play a real role so that they can become a new principle in the midst of the decisions of ordinary people in fighting for their rights in the eyes of the law, both in fighting for legal problems faced through non-litigation (outside the court) and litigation (in the court). It cannot be denied, the negative stigma of society towards the process of seeking justice in our beloved country, Indonesia, is very strong and large, so that a distrust of our judicial system has emerged. Therefore, the results obtained are that legal aid institutions have a large role in access to justice so that they can not only foster new hope in the judicial world but also become real evidence of equal justice for everyone before the law.⁸

The meaning and purpose of the legal aid program in Indonesia are as stated in the articles of association of the Legal Aid Institute because the Legal Aid Institute has broader goals and scope of activities and clearer directions, namely:

1. Providing legal services to people who need them;
2. Targeting the community with the aim of raising awareness of their rights as legal subjects;
3. Conducting legal reforms and improving legal implementation in all areas;

The objectives of the Legal Aid Program are related to the following aspects:

1. Humanitarian Aspect. The goal of this legal aid program is to ease the legal burden (costs) that low-income individuals must bear in court. Therefore, when low-income individuals face legal proceedings in court, they still have the opportunity to receive legal representation and protection.
2. Increasing Legal Awareness. The goal of this legal awareness program is to foster a higher level of public legal awareness. Thus, public appreciation for the

⁷Abdurrahman, (2012), *Aspek-Aspek Bantuan Hukum di Indonesia*, Cendana Press, Jakarta, p. 32

⁸Alfiandi Wisudawansyah Nasution, Peran Lembaga Bantuan Hukum Menurut Undang Undang Nomor 16 Tahun 2011 Tentang Bantuan Hukum, *Jurnal Keadilan*, Vol. 3, No. 1, 2022, p. 18-34

law will be demonstrated through attitudes and actions that reflect legal rights and obligations.⁹

The individual legal aid that can be used so that the implementation of legal aid can run well and achieve its targets is:

1. Empowering community/private organizations that provide legal aid services such as LBH, LKBH, or BBH, which are run by universities, etc. Here, the public can directly or through the courts request assistance from these community/private organizations.
2. Empowering advocate organizations, in this model the community can directly or through the courts ask for assistance from advocate organizations where later the advocate organizations will appoint their members to defend members of the community who are unable to afford it.

Meanwhile, the implementation of structural legal aid (advocacy) can be done in 2 ways, namely:

1. Non-litigation channels, where existing legal aid institutions and every interested community component help provide legal education to the community to raise awareness of their rights. For example, by posting posters in public places, in law enforcement institutions containing their rights and obligations, creating booklets containing information about community rights and then distributing them generally to the community, or can also directly contact the community through discussions aimed at providing legal counseling to them. The essence is to raise public awareness of the importance of the law, which until now has remained the property of capital owners and those in power.
2. Litigation, where legal aid activists formally licensed to practice as advocates, use legal channels to criticize existing positive laws and regulations. For example, in political cases, the courts serve as a channel, with the consent of their clients, to convey a message of injustice and that a particular legal product is incorrect.

Provision of Litigation Legal Aid by the Legal Aid Provider to the Legal Aid Recipient is provided until the legal problem is resolved and the case has permanent legal force, as long as the Legal Aid Recipient does not revoke the special power of attorney.

⁹Adnan Buyung Nasution, (1988), *Bantuan Hukum di Indonesia*, LP3ES, Jakarta, p. 4

According to Law Number 16 of 2011 concerning Legal Aid, the provision of legal aid is organized by the minister who organizes government affairs in the field of law and human rights, which is currently the Ministry of Law and Human Rights of the Republic of Indonesia.

As one form of fulfilling Human Rights for justice seekers in Article 3 of the Law on Legal Aid Assistance, it aims to guarantee and fulfill the rights of Legal Aid Recipients to obtain access to justice, realize the constitutional rights of all citizens in accordance with the principle of equality before the law, guarantee the certainty of the implementation of Legal Aid being implemented evenly throughout the territory of the Republic of Indonesia, realize effective, efficient and accountable justice.

In providing legal aid, the Minister is responsible for:

1. Prepare and determine policies for the implementation of Legal Aid;
2. Compiling and establishing Legal Aid Standards based on the principles of providing Legal Aid;
3. Prepare a Legal Aid budget plan;
4. Manage the Legal Aid budget effectively, efficiently, transparently and accountably;
5. Compile and submit a report on the implementation of Legal Aid to the House of Representatives at the end of each budget year.

Law Number 16 of 2011 also regulates the Minister's authority in providing legal aid, in Article 7 paragraph (1), namely:

1. Supervise and ensure that the implementation of Legal Aid and the provision of legal aid are carried out in accordance with the principles and objectives set out in this law;
2. Conduct verification and accreditation of legal aid institutions or community organizations to meet their eligibility as legal aid providers based on this law.

In carrying out verification and accreditation, the Minister forms a committee whose elements consist of:

1. The ministry that organizes government affairs in the field of law and human rights;

2. Academics;
3. Public figure;
4. Institutions or organizations that provide Legal Aid services undergo verification and accreditation every 3 (three) years.

Legal Aid Institutions (LBH) as providers of legal aid as referred to in Article 1 number 3 must fulfill the requirements as providers of legal aid, including:

1. Incorporated.
2. Accredited under this Act.
3. Have a permanent office or secretariat.
4. Have a manager.
5. Have a legal aid program.

And the legal aid provider has the right to:

1. Conducting recruitment of advocates, paralegals, lecturers and law faculty students.
2. Providing legal aid services.
3. Organizing legal counseling, legal consultations, and other activity programs related to the provision of Legal Aid.
4. Receive budget from the state to implement legal aid based on this Law.
5. Issue opinions or statements in defense of cases that are his responsibility in court proceedings in accordance with the provisions of laws and regulations.
6. Obtaining information and other data from the government or other agencies, for the purposes of defending the case.
7. Get guaranteed legal protection, security and safety while providing legal aid.

In Article 10, legal aid providers are obliged to:

1. Report to the minister about the legal aid program.

2. Report any use of state budget used to provide legal aid based on this law.
3. Organizing legal aid education and training for advocates, paralegals, lecturers, law faculty students recruited as referred to in Article 9 letter a.
4. Maintain the confidentiality of data, information and/or statements obtained from legal aid recipients in connection with the case being handled, unless otherwise provided by law.
5. Provide legal aid to legal aid recipients based on the conditions and procedures stipulated in this law until the case is completed, unless there is a legally valid reason.

The role of legal aid institutions in providing free legal assistance in criminal and civil cases for employees or laborers who are fighting for their rights that are not provided by the company is very important. A legal advisor in carrying out his profession must always be based on truth, justice, and humanity in order to realize equality in the legal field, namely equal status and opportunity to obtain justice. This is expressly stated in Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which reads:

"All citizens have equal standing before the law and government and are obliged to uphold the law and government without exception."

Equality before the law is a fundamental principle that can only be realized if everyone, without exception, has equal access to justice. However, realizing this principle requires concrete steps, one of which is fulfilling the right to assistance.

law, especially for victims of layoffs, many of whom are affected by the economic downturn in Indonesia, which has an impact on employees who are unilaterally laid off by the company, up to settlement and fighting for employee rights in the Industrial Relations Court.

The role of the Legal Aid Institute (LBH) is very significant. LBH not only provides technical legal assistance but also ensures that employees receive their rights in accordance with applicable regulations and throughout the legal process. LBH functions to guarantee that every employee whose rights have been violated by their employer is protected and provided consultation until they face Industrial Court in accordance with the principles of non-discrimination, the employee's best interests, and the right to be heard. In addition, LBH helps employees understand the legal process, provides protection against violations of employee rights, and supports programs to provide training for those affected by unilateral termination of employment by employers.

Through these efforts, LBH contributes to realizing equitable access to justice while strengthening the principle of equality before the law. LBH is at the forefront of providing humane and responsive legal protection for employee rights, ensuring that employees receive not only procedural justice but also substantive justice that upholds their human rights.

The Garuda Yaksa Legal Aid Consultation Institute fulfills its role in educating the public about legal awareness and understanding their rights and obligations under the law. This includes conducting outreach and providing paralegal training to the community, as well as opening branch offices in several districts and cities across Central Java Province.

The role of the Garuda Yaksa Legal Consultation and Aid Institute is to provide legal assistance by defending which includes all the work of lawyers, namely at the Non-Litigation and Litigation stages. In addition, the Garuda Yaksa Legal Consultation and Aid Institute not only accompanies industrial courts but also provides empowerment by providing training, socialization and advocacy. Carrying out legal reform with Advocacy, because many legal regulations at the central, provincial, district, sub-district and village levels need to be replaced because the legal needs of the community are not met, even often hinder and are not appropriate to the current situation. In this case, the Garuda Yaksa Legal Consultation and Aid Institute can provide suggestions/advice on improvements by changing laws (law reform) in legal reform to suit the needs of today's society.

In this case, the provision of legal assistance to employees affected by unilateral termination of employment that was previously carried out by the Garuda Yaksa Legal Consultation and Aid Institute was in the case of employee Y who received unilateral termination of employment by PT. Forestama. The case position is as follows:

Legal relationship or employment relationship for employee Y with Pt. Forestama, based on employee Y having worked since December 2, 2019 to January 31, 2020 based on the PKWT signed by employee Y. A copy of the PKWT that employee Y should have received by Pt. Forestama until the lawsuit was registered but there was no clarity and justice received by employee Y. until the PKWT period ended, the Plaintiff continued to work from March 1, 2020 until finally being unilaterally dismissed suddenly on July 28, 2020 by the Company, so that employee Y worked at the Forestama Company for 8 months.

That the Plaintiff's position as Head of Accounting "PT. Forestama Kayu Lestari" as stated in the statement issued by the defendant with Number 029/SK/FKL/VII/2020, the work ordered or given to employee Y is work as Spv. AFT (Supervisor Accounting Finance Tax) which is a continuous, uninterrupted job and is part of the main job at the company.

Employee Y working by receiving wages given once a month of Rp. Rp. 5,072,587 based on the pay slip issued by the Company. The Company has employed employee Y for 8 (eight) months. At the beginning of the Plaintiff's work, there was a PKWT where Employee Y worked from December 2, 2019 to January 31, 2020, signed by Employee Y but no copy was given. After the PKWT period of employee Y expired, there was no further renewal of the PKWT until finally Employee Y was unilaterally laid off verbally on July 28, 2020 by the Forestama Company.

That in the lawsuit filed by the Garuda Yaksa Legal Consultation and Aid Institute in the petitum as follows;

PRIMAIR:

1. Accept and grant the Plaintiff's lawsuit in its entirety.
2. Declaring and establishing the working relationship between the Plaintiff and Defendant.
3. Declaring that the termination of employment carried out by the Defendants against the Plaintiff is unlawful and contrary to applicable legal regulations.
4. Ordering the defendant to fulfill his obligation to register the plaintiff as a BPJS participant and pay the outstanding BPJS Employment payments.
5. Declaring and determining the Defendant regarding the Administrative Sanctions that ensnare him as regulated in Article 17 paragraph (2) of Law Number 24 of 2011 concerning the Social Security Administration Agency.
6. Punish and require the Defendant to pay the defendant to pay severance pay twice the provisions of Article 156 paragraph (2) of Law Number 13 of 2013, THR that has not been paid based on the calculation of the Minister of Manpower Regulation Number 6 of 2016 concerning Religious Average Day Allowances for Workers/Laborers in Companies ("Minister of Manpower Regulation 6/2016") Replacement Money for Rights in accordance with the recommendations of the Manpower Office and unpaid salary to the Plaintiff with the following details:

SUBSIDIARIES:

If the Industrial Relations Court at the Semarang District Court has a different opinion, the Plaintiff requests the fairest possible decision (Ex Aequo Et Bono).

In decision number:31/Pdt.Sus-PHI/2021/PN Smg with the following verdict;

1. Rejecting the Defendant's exception;

IN THE MAIN CASE

1. Granting the Plaintiff's claim in part;
2. Declaring that the employment relationship between the Plaintiff and the Defendant is an Indefinite Term Employment Agreement;
3. Declaring the termination of the employment relationship between the Plaintiff and the Defendant since this decision was read;
4. Sentence the Defendant to pay in cash and at the same time to the Plaintiff as follows:

- unpaid wages : Rp. 4,137,190.00
- THR 2020 : Rp. 2,439,293.50
- Severance pay : Rp. 9,757,174.00
- Compensation for Rights: Rp. 1,463,576.10

Total: Rp17,797,233.60

(seventeen million seven hundred ninety seven thousand two hundred thirty three rupiah and sixty cents)

In the cassation decision, Cassation Decision Number: 290 K/Pdt.Sus-PHI/2022 with the following decision;

1. Rejecting the cassation application from the Cassation Applicant: PT FORESTAMA KAYU LESTARI, as stated;
2. Charging court costs to the state;

The first instance judge, which was strengthened by the cassation decision, considered that because after the Fixed Term Employment Agreement (PKWT) ended, the employment relationship continued, the employment relationship changed from a Fixed Term Employment Agreement (PKWT) to an Indefinite Term Employment Agreement (PKWTT).

That the Defendant was late in paying workers' wages, then based on the provisions of Article 169 paragraph (1) letter c of Law Number 13 of 2003

concerning Manpower, the Defendant was sentenced to pay compensation for Termination of Employment (PHK) to the Plaintiff in the form of: Severance Pay 2 times, Replacement Money for Rights, Holiday Allowance (THR) for 2020 and unpaid wages.

The Garuda Yaksa Legal Consultation and Aid Institute (LBH) plays a crucial role in providing support and legal assistance as legal counsel to employees fighting for their rights. This support encompasses various stages, from mediation and bipartite negotiations, lawsuits in the Industrial Relations Court, cassation, and even execution. All of these services aim to uphold employees' legal rights, protect their interests, and ensure the legal process is conducted in accordance with the principles of justice.

The role of LKBH Garuda Yaksa aligns with the concepts of distributive, procedural, and compensatory justice. Distributively, LKBH ensures that employees receive their rights commensurate with the contributions and sacrifices they have made during their employment, as well as receive fair compensation for job losses. Procedurally, LKBH ensures that employers provide adequate notice, clear reasons, and an opportunity for workers to defend themselves before layoffs are carried out. A fair and transparent process will reduce the potential for abuse of authority and ensure that workers' rights are protected.

And from the compensation side, LKBH provides assistance to fight for employees' rights to receive compensation in accordance with applicable legal regulations.

Mrs. Listyani Widyaningsih, SH as Director of LKBH Garuda Yaksa, in an interview explained that one of the main focuses of this institution is to ensure that the distributive justice approach is implemented to ensure that employees get this to ensure workers get their rights according to the contributions and sacrifices they have made while working, as well as get fair compensation for job losses so that there is justice for employees.¹⁰

Ms. Listyani Widyaningsih, SH, also highlighted the importance of legal assistance and support for laid-off employees. "Employees/laborers often don't understand their rights and obligations to the company to provide compensation to those who have served and contributed to the company. Therefore, assistance in filing lawsuits, cassation appeals, and even execution is crucial for achieving justice."

During the trial, LKBH Garuda Yaksa also actively advocated for the rights of employees who had been wronged. "We always ensure that employees receive their rights. Employees who are unilaterally laid off must receive compensation in

¹⁰Interview with Mrs. Listyani Widyaningsih, SH as Director of LKBH Garuda Yaksa, on May 27, 2025

accordance with legal regulations. This compensation is what allows employees to start businesses or survive."

The role of LKBH Garuda Yaksa not only provides a positive impact for employees affected by layoffs but also becomes a real manifestation of the application of the principle of justice in the Indonesian legal system, especially in fighting for employee rights.

In Hans Kelsen's theory of justice, the role of the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) in providing legal assistance to employees fighting for their rights in the Industrial Relations Court can be analyzed based on the concept of law as a norm and hierarchy of regulations that function to create order in society. Kelsen views law as a systematic normative order that must be obeyed to achieve justice as the highest goal of the legal system.

LKBH Garuda Yaksa plays a role in implementing the principle of legal equality by ensuring that applicable legal norms apply not only formally, but also substantially to every individual, including employees.

LKBH's actions in assisting employees from mediation, bipartite negotiations, trials, cassation, and execution, including further legal action, reflect the implementation of legal norms that protect human rights.

The basic norm (*grundnorm*) that is the basis is the principle of equality before the law as contained in statutory regulations and is in line with the meaning of justice according to the provisions of Article 27 paragraph 2 of the 1945 Constitution, that: "Every citizen has the right to work and a decent living for humanity." Likewise, the provisions of Article 28 D paragraph (2) of the 1945 Constitution, that: "Everyone has the right to work and to receive fair and decent compensation and treatment in employment relations";

Second, normative law at the implementation level contributes in the form of supervision through law enforcement officers and carrying out actions against parties who do not comply with legal provisions, which are further explained in Law No. 13 of 2003 concerning Manpower and if a dispute occurs, legal regulations in Indonesia have regulated it in Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes and Law No. 16 of 2011 concerning Legal Aid.

According to Kelsen, a just law is a law that is obeyed based on a hierarchical normative system, starting from basic norms to concrete norms that regulate daily actions. LKBH Garuda Yaksa's assistance to employees who are fighting for their rights in court is an application of concrete norms that refer to the basic norms of justice, namely ensuring that all citizens receive equal protection and access to the law. By accompanying employees through various stages of the legal process,

LKBH Garuda Yaksa ensures that legal norms are applied consistently without discrimination.

Kelsen also emphasized the importance of legal certainty, as evidenced by LKBH Garuda Yaksa's efforts to ensure employees understand their rights, including in litigation and non-litigation processes. LKBH assists employees in complying with legal norms while ensuring that law enforcement officers carry out their duties in accordance with applicable regulations.

In cases of unilateral termination of employment by companies, LKBH Garuda Yaksa demonstrated its role in upholding employee rights in accordance with substantive and formal legal regulations. These legal norms govern the company's responsibility to provide compensation to employees.

LKBH Garuda Yaksa's assistance in this process reflects an effort to ensure that companies are responsible for providing employee rights by prioritizing justice and remaining in accordance with the applicable legal hierarchy.

The role of LKBH Garuda Yaksa aligns with Hans Kelsen's theory of justice, where law as a normative order is applied fairly, consistently, and non-discriminatory. Legal assistance to employees is a concrete manifestation of the application of legal norms that is not only formal but also provides substantive justice in accordance with basic legal principles as a tool to protect and create order in society.

3.2. Obstacles and Solutions for Legal Aid Institutions in Providing Legal Assistance for Unilateral Termination of Employment Disputes Against Workers in the Industrial Relations Court.

Inhibiting factors in the implementation of providing legal aid for employees who are fighting for their rights due to unilateral termination of employment by the Garuda Yaksa Legal Consultation and Aid Institute, if examined from the Implementation of Lawrence Friedman's legal system theory in Law Number 13 of 2003 concerning Manpower and Law 2 of 2004 concerning the Settlement of Industrial Relations, especially regarding termination of employment (PHK), can be analyzed by looking at the three main components of the legal system according to Friedman: structure, substance, and legal culture.

1. Legal Substantive Factors

Implementation of Law Number 13 of 2023 concerning Manpower and Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, These two laws clearly and effectively regulate the process and methods of terminating employment relationships and their resolution in the event of a

dispute, these regulations must ensure that the rights of workers and employers are protected.

However, unilateral termination of employment (PHK) by a company against employees is a violation of the law if it does not comply with the provisions stipulated in the Employment Law and regulations regarding the settlement of industrial relations. Unilateral layoffs can have devastating consequences for employees, but there are legal remedies available to seek justice. In practice, many companies violate layoff regulations, resulting in numerous employees being disadvantaged and denied their rights and fairness.

Ms. Listyani Widyaningsih, SH, as Director of LKBH Garuda Yaksa, in an interview emphasized that the lack of consistency in the implementation of Law Number 13 of 2023 concerning Manpower and Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes greatly affects the protection of employees who come into conflict with the law.

"We often encounter cases where the Industrial Relations Court's decision is merely a decision won on paper by the employee or laborer, such as the case of laborer Y, up to the cassation decision and even execution. If there is resistance using legal measures such as coercive measures or sanctions, it is clear that the employer will not provide compensation according to this final decision."

He also highlighted the issue of limited protections for workers, which necessitates strengthening law enforcement against violators of workers' rights. He also highlighted the lack of access to justice for workers, who often face difficulties in accessing justice when their rights are violated in companies without trade unions.

Inconsistencies in the implementation of Law No. 13 of 2003 and Law No. 2 of 2004 demonstrate the need for increased capacity and coordination among all parties involved. By ensuring that employee protection principles are truly understood and implemented to ensure legal certainty, and expanding access to legal assistance across all regions, efforts to protect employee rights can be more effective. LKBH Garuda Yaksa remains committed to supporting employees who have been wronged by their companies through advocacy and providing legal assistance tailored to their needs.

Difficulties will continue with the execution of disputes that have been legally binding by the Supreme Court (MA). The difficulty in executing cases is primarily due to the lack of specific provisions in Law Number 2 of 2004 regarding execution. Furthermore, the Civil Procedure Code is not accommodating to the realities of workers/laborers, particularly regarding the requirements for securing collateral, executing seizures, or implementing executions, which are difficult and expensive.

2. Legal Structure Factors

The limited number of trained legal personnel with a thorough understanding of the Industrial Relations Court System is a major weakness in the legal structure of the Garuda Yaksa Legal Consultation and Aid Institute (LKBH). Employees fighting for their rights in the Industrial Relations Court require specialized legal assistance and support, as the trial process through to the execution of legal proceedings is labor-intensive and time-consuming. However, the number of legal personnel with specialized competencies in handling layoff cases remains very limited, impacting the quality of services provided.

In some cases, a single legal professional must handle multiple cases simultaneously, reducing the time and attention available to each employee. As a result, the legal assistance process is often suboptimal, especially during early stages such as internal company mediation and bipartite negotiations, which are crucial for protecting employee rights and ensuring their swift enforcement.

This shortage of legal personnel also creates a gap in the provision of legal aid between urban and rural areas. The focus of legal assistance tends to be concentrated in urban areas, while employees living in rural areas are often neglected due to difficult access and limited legal personnel available in those areas. This situation results in unequal access to justice for employees in need of legal assistance.

Mrs. Listyani Widyaningsih, SH, as Director of LKBH Garuda Yaksa, in an interview revealed that the limited number of legal personnel is a major challenge for LKBH in carrying out its mission.

"We have a very limited number of legal staff, while the need for legal assistance, especially for employees fighting in the Industrial Relations Court, continues to increase. This forces us to prioritize cases, which is often not ideal for every employee."¹¹

He also added that this situation is exacerbated by the fact that many companies do not have trade unions and that workers find it difficult to find legal aid institutions that provide free (pro-bono) assistance.

"Not all legal personnel understand and are willing to help fight for the fate of employees in the Industrial Relations Court because it requires a lot of energy, even to the point of carrying out execution efforts. This is a challenge for LKBH or

¹¹Interview with Mrs. Listyani Widyaningsih, SH as Director of LKBH Garuda Yaksa, on May 27, 2025

LBH and Labor Unions to provide legal assistance to employees who are being oppressed by employers."¹²

Ms. Listyani W.SH emphasized the importance of support from the government and related parties to increase the number and competence of legal personnel, especially in handling employees who are unilaterally laid off, so that LKBH can provide more equitable and quality services.

4. Conclusion

The Garuda Yaksa Legal Consultation and Aid Institute (LKBH) plays an important role in realizing justice for employees who are unilaterally terminated by the company through a justice-based approach. The Garuda Yaksa Legal Consultation and Aid Institute (LKBH) ensures that employees receive comprehensive legal assistance, starting from the bipartite stage, first-level trials, cassation, to execution. The Garuda Yaksa Legal Consultation and Aid Institute (LKBH) strives to provide fair legal protection and fully supports employees who are fighting to obtain their rights fairly. In one of the cases handled, the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) accompanied an employee with the initials Y. who received injustice by the Company by unilaterally terminating his employment, the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) provided assistance from the mediation stage to execution, ensuring that employee rights are fulfilled and paid by the company, including getting a fair and non-discriminatory legal process. This case demonstrates the role of the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) in bridging the gap between substantive and formal law enforcement by championing educational, rather than purely punitive, punishments, ensuring that children still have the opportunity to improve themselves and continue their lives in society. This is concrete evidence of LKBH Garuda Yaksa's contribution to the fight for justice in the Indonesian legal system. Obstacles faced by the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) in providing legal assistance to employees affected by industrial relations termination include weaknesses in legal substance, legal structure, and legal culture. In terms of legal substance, inconsistencies in the implementation of Law Number 13 of 2003 often occur due to a lack of understanding by law enforcers regarding the principles of justice for employees, such as the bipartite negotiation mechanism which is often not implemented optimally and decisions do not have executorial power or sanctions. In terms of legal structure, the limited number of trained legal personnel with a deep understanding of industrial relations courts causes legal assistance to be unequally distributed, especially in remote areas. Meanwhile, in terms of legal culture, low public awareness of the importance of legal assistance and employee rights, as well as the social stigma against employees who fight in court, worsen access to justice for employees. To

¹²Interview with Mrs. Listyani Widyaningsih, SH as Director of LKBH Garuda Yaksa, on May 27, 2025

overcome these obstacles, the Garuda Yaksa Legal Consultation and Aid Institute (LKBH) proposes increasing paralegal training on employment and industrial relations, expanding access to legal personnel in remote areas, and more intensive legal education for the community. With the support of all parties, LKBH Garuda Yaksa hopes to provide more effective legal assistance and ensure equitable employee protection.

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