

Protection of Workers' Rights in Employment Regulations After the Job Creation Law in Indonesia

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Abstract

Changes to labor regulations through the Job Creation Law have created new dynamics in the protection of workers' rights in Indonesia, particularly regarding the balance between investment interests and the guarantee of workers' constitutional rights. This study aims to examine the regulations governing the protection of workers' rights before and after the enactment of the Job Creation Law and to analyze their legal implications for industrial relations. This study employs a normative legal research method using both a statutory and a conceptual approach. Legal sources include primary sources such as laws and regulations, secondary sources such as books and academic journals, and tertiary sources such as legal dictionaries. Legal materials were collected through a literature review and analyzed using a descriptive qualitative approach. The results of the study indicate that prior to the enactment of the Job Creation Law, labor regulations placed greater emphasis on legal certainty and worker protection. Following the enactment of the Job Creation Law, there has been a shift toward greater flexibility in employment relationships, which has resulted in reduced legal certainty, particularly regarding fixed-term employment contracts (PKWT), outsourcing, termination of employment, and the wage system. These changes have led to increased vulnerability and a weakening of workers' bargaining power in industrial relations.

Keywords: Employment, Legal Protection, Workers' Rights, Job Creation Law.

Abstrak

Perubahan regulasi ketenagakerjaan melalui Undang-Undang Cipta Kerja menimbulkan dinamika baru dalam perlindungan hak pekerja di Indonesia, terutama terkait keseimbangan antara kepentingan investasi dan jaminan hak konstitusional tenaga kerja. Penelitian ini bertujuan untuk mengkaji pengaturan perlindungan hak-hak pekerja sebelum dan sesudah berlakunya Undang-Undang Cipta Kerja serta menganalisis implikasi yuridisnya terhadap hubungan industrial. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Sumber bahan hukum meliputi bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa buku dan jurnal ilmiah, serta bahan hukum tersier berupa kamus hukum. Pengumpulan bahan hukum dilakukan melalui studi kepustakaan dan dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa sebelum berlakunya Undang-Undang Cipta Kerja, pengaturan



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ketenagakerjaan lebih menekankan kepastian hukum dan perlindungan terhadap pekerja. Setelah berlakunya Undang-Undang Cipta Kerja, terjadi pergeseran menuju fleksibilitas hubungan kerja yang berdampak pada berkurangnya kepastian hukum, khususnya dalam pengaturan PKWT, outsourcing, pemutusan hubungan kerja, dan sistem pengupahan. Perubahan tersebut berimplikasi pada meningkatnya kerentanan serta melemahnya posisi tawar pekerja dalam hubungan industrial.

Kata Kunci: Ketenagakerjaan, Perlindungan Hukum, Hak Pekerja, Undang-Undang Cipta Kerja.

INTRODUCTION

As a constitutional country, Indonesia prioritizes justice for all its citizens, as stated in the preamble to the Constitution of the Republic of Indonesia in 1945 and in Pancasila. Labor law aims to ensure the welfare of workers, as labor plays an important role in economic and industrial progress. Even so, uncertainty in the world of work is still a major issue. The workers not only work for the State, they also strive to meet the needs of daily life. Thus, the rules regarding salaries and termination of employment are crucial. Employment law in Indonesia can ensure the economic and financial well-being of the community.¹

Working as a civil servant is not only a form of service to the country and the people, but also a means to earn a living in order to live a better life, provide for the family, and realize prosperity. Therefore, agreements on working conditions, especially those that directly affect the livelihood of civil servants, such as salaries and termination of employment are very important.²

Job creation law is a type of legislation that is characterized by a wide scope, consists of many articles, and contains a large number of legal provisions that are incorporated into new, independent, or separate laws without being bound by other legal provisions or only bound by those provisions in a very limited scope and that partially and/or completely replace or repeal other legal provisions.

This law was passed, among other things, with the aim of making Indonesia an economically strong country and creating a skilled workforce that is competitive at the global level. The Job Creation Act updates and refines employment regulations designed to protect workers to upskill the workforce. Changes to labor regulations in the "Job Creation" Law must be in line with the main purpose of this labor law, which is the maintenance and enforcement of social justice for workers.³

The term "omnibus bill" is made up of two words: "omnibus" and "bill." "Omnibus" comes from the Latin word "omnis," which means "all," while "bill" refers to "legislation." The Omnibus Bill is a means used by the government to streamline regulations. The idea of an omnibus law is not new. The Job Creation Law is the first law in Indonesia to implement this idea. Omnibus laws are often referred to in general terms as "Sweeping Jagat laws", as they incorporate various provisions and regulations.

¹ Ravi Dana, Arsis, Anik Iftitah, Muhammad Zainul Ichwan, and Mukhammad Taufan Perdana. "Implikasi Hukum Undang-Undang Cipta Kerja Terhadap Perlindungan Hak Pekerja Pasca Pailit." *Jurnal Supremasi*, September 20, 2024, 35–36. <https://doi.org/10.35457/supremasi.v14i2.3779>.

² Ollyvia Cantik Nur Annisa. "ANALISIS DAMPAK PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG CIPTA KERJA TERHADAP HAK PESANGON PEMUTUSAN HUBUNGAN KERJA." *JOURNAL EQUITABLE* 8, no. 1 (2023): 129–43. <https://doi.org/10.37859/jeq.v8i1.4494>.

³ Kurniawan, Fajar. "Problematisasi Pembentukan RUU Cipta Kerja Dengan Konsep Omnibus Law." *Jurnal Panorama Hukum* 5, no. 1 (2020): 64. <https://doi.org/10.21067/jph.v5i1.4437>.

With omnibus legislation, a single law can cover a wider scope of application, which is incorporated into a unified regulatory framework. This is in the public interest, public safety, and legal certainty. This omnibus bill allows for the repeal or amendment of regulations according to the actual circumstances.⁴

However, the passage of the Job Creation Law sparked widespread controversy, which prompted people to take to the streets to protest the ratification of the Job Creation Bill. The Draft Job Creation Law, which was designed as an omnibus law, was officially passed as Law Number 6 of 2023 concerning Job Creation. This law guarantees protection for workers, for example through restrictions on term employment contracts, provisions on severance pay, and regulations governing employment relations to ensure better job security. However, after the Job Creation Law and its implementing regulations came into effect, a number of changes were introduced that provided greater flexibility to employers, including related to term employment contracts, outsourcing, and termination mechanisms.⁵

These changes have sparked public debate, especially regarding the potential for weakening worker protections and increased job uncertainty. From a legal point of view, this situation raises the question of the extent to which the employment provisions in the Job Creation Law are in line with the principles of legal protection and the basic rights of citizens, as stated in the 1945 Constitution of the Republic of Indonesia. Therefore, it is important to conduct a legal analysis regarding the protection of workers' rights based on the employment provisions in the Job Creation Law to assess whether these provisions are in line with the principles of justice, legal certainty, and utility.

RESEARCH METHODS

This research is based on normative legal research methods, which are methods that focus on law and legal literature. In normative legal research, this method is used to identify specific legal provisions that are appropriate to solve a particular legal problem. In other words: to collect legal materials to identify and examine the significance of the passage of the Job Creation Law, as well as the reasons why this law, which is actually intended to protect and improve the welfare of workers, was rejected by workers and trade unions.⁶

This research is based on a legal and conceptual approach. The legal approach is applied by reviewing all laws and regulations relevant to the legal issues discussed. The facts are associated with the applicable legal provisions that govern them. The law cited in this study is Law Number 6 of 2023 concerning Manpower. After the legal approach, the conceptual approach is used as the next method. The conceptual approach is based on views and doctrines that have developed in the study of law.⁷

Legal sources in this study include primary sources in the form of laws and regulations, secondary sources in the form of books, scientific journals, research findings, and expert opinions, and tertiary sources in the form of legal dictionaries and

⁴ Amania, Nila. "Problematisasi Undang-Undang Cipta Kerja Sektor Lingkungan Hidup." *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 6, no. 02 (2020): 209–20. <https://doi.org/10.32699/syariat.v6i02.1545>.

⁵ Yitawati, Krista, Meirza Aulia Chairani, and Angga Pramodya Pradhana. "Problematisasi Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja Klaster Ketenagakerjaan Dalam Memberikan Perlindungan Dan Kesejahteraan Pekerja." *JURNAL RECHTENS* 13, no. 1 (2024): 100. <https://doi.org/10.56013/rechtens.v13i1.2671>.

⁶ Rony Hanintyo Soemitro. *Metodologi Penelitian Hukum*. Ghalia Indonesia, 1982. Hal.10

⁷ Peter Mahmud Marzuki. *Penelitian Hukum*, Kencana Prenada Media Group, 2007. Hal.93-95.

legal encyclopedias. These legal sources are collected as part of a literature review (library research) through the evaluation of various relevant sources. Furthermore, these legal sources are analyzed qualitatively using a descriptive-analytical method, namely by presenting, comparing, and interpreting the applicable legal provisions in order to draw conclusions about the protection of workers' rights before and after the Job Creation Law comes into effect.⁸

RESULTS AND DISCUSSION

Regulation on the Protection of Workers' Rights Before and After the Job Creation Law

The world of work is an inseparable part of national growth, which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Workers have a crucial role and are in a meaningful position as actors as well as beneficiaries of national development. Therefore, workers' rights must be governed by Indonesian law, including the protection of those rights. Improving safety and health in the workplace is a goal that needs to be achieved to respect the dignity and human rights of workers.⁹

The Manpower Law was passed to implement Article 27 paragraph (2) of the 1945 Constitution and provide a form of state protection for the community to ensure employment opportunities and a decent standard of living. Employment law is a field of law with unique characteristics, which is between private law and public law, and requires the involvement of the state in the legal relationship between employers and workers. Although the employment relationship is a relationship between legal subjects, between individuals or between individuals and legal entities, the involvement of the state in regulating the relationship between workers and employers is rooted in the fact that this relationship is essentially a subordinate relationship, which causes an imbalance in the position of the parties, especially from a socio-economic perspective.¹⁰

Based on Article 102 paragraph (1) of the Labor Law, it is clear that the government plays a very strategic role in regulating and protecting the interests of employers and workers in order to foster harmonious relations and, at the very least, reduce differences in interests between the two parties. The government is obliged to issue regulations that allow entrepreneurs to run their businesses smoothly and comfortably, so that they can increase productivity. Similarly, the published regulations should provide protection for workers so that they are not pressured by employers and can work comfortably, which will ultimately increase high productivity, and may affect the direction of development.¹¹

The purpose of worker protection is to guarantee the basic rights of workers while still taking into account economic progress both domestically and internationally, as the boundaries between the two domains are increasingly blurred. Workers' rights include, among other things, the right to fair wages and fair treatment in the workplace. As stipulated in Article 28D of the 1945 Constitution of the Republic of Indonesia,

⁸ Maulana, Alfian, "Normative Legal Research Methods in Answering the Challenges of Legislative Dynamics Dynamics." *Journal of Interdisciplinary Scientific Research* 9, no. 11 (2025): 174. <https://sejurnal.com/pub/index.php/jpii/article/view/2149>.

⁹ Muhammad Zubi. "Tinjauan Yuridis Perlindungan Hak-Hak Normatif Tenaga Kerja Setelah Berlakunya Undang-Undang Cipta Kerja (Omnibus Law)." *Jurnal Ilmiah Metadata*, 3, no. 3 (2021): 1172. <https://ejournal.steitholabulilmi.ac.id/index.php/metadata/article/view/104>.

¹⁰ Khairani, Khairani, and Trie Rahmi Gettari. "PERLINDUNGAN PEKERJA DITINJAU DARI KONSEP HUBUNGAN KERJA PASCA BERLAKUNYA UNDANG-UNDANG CIPTA KERJA." *UNES Journal of Swara Justisia* 7, no. 2 (2023): 709. <https://doi.org/10.31933/ujsj.v7i2.372>.

¹¹ Ibid

everyone has the right to work, as well as fair and decent wages and fair and decent treatment in the workplace.¹²

Workers are an important part of industrial relations and activities in the workplace. Their motivation comes not only from their commitment to the nation and state, but also from the desire to meet their various needs. However, in reality, workers often no longer understand the meaning of work, because their income is not enough to support themselves and their families.¹³

Safety and well-being in the workplace aims to ensure the realization of an industrial relations system that is free from the pressure exerted by the authorities on the weaker groups. Article 5 of Law Number 13 of 2003 concerning Manpower stipulates that every worker has the right to decent work and a decent standard of living, without discrimination based on gender, ethnicity, race, religion, or political views, according to the ability of each worker, including equal treatment for persons with disabilities. Article 6 of Law Number 13 of 2003 concerning Manpower requires employers to fulfill their rights and obligations to workers without discrimination based on gender, ethnicity, race, religion, or political belief.¹⁴

Protection of workers is also listed in the fourth paragraph of the preamble to the 1945 Constitution, as well as in Article 27 paragraph (2) and Article 28D paragraphs (1) and (2) of the 1945 Constitution. Legally, workers are treated as equals as business owners/entrepreneurs based on Article 27 of the 1945 Constitution; However, from a socio-economic perspective, they are not on an equal footing. This inequality in socio-economic status means that employers tend to play a more dominant role in determining the terms of employment contracts and prioritizing their own interests over the interests of employees. To prevent this, the government is obliged to take measures to ensure legal protection.¹⁵

Worker protection aims to ensure the preservation of workers' basic rights, promote equality of opportunity, and ensure discrimination-free treatment. Worker protection can be achieved both through counselling and support and by strengthening recognition of human rights as well as physical and socio-economic protection within the framework of applicable standards. In general, there are a number of workers' rights that are considered fundamental and must be guaranteed, although their implementation is highly dependent on economic and sociocultural developments, as well as on the society or country in which the company operates. These rights include: First, workers' rights. The right to work is one of the fundamental rights inherent in every citizen. These rights are not only related to the opportunity to obtain employment, but also include the right to get decent, humane, and non-discriminatory employment. In the Indonesian legal system, the right to work is constitutionally guaranteed through Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which affirms that every citizen has the right to work and a decent livelihood for humanity. These provisions show that work has an economic dimension as well as a humanitarian

¹² *Ibid*

¹³ Ibrahim, Zulkarnain. "THE EXISTENCE OF TRADE UNIONS/TRADE UNIONS IN AN EFFORT TO PROSPER WORKERS." *Journal of Legal Media* 23, no. 2 (2017): 151. <https://doi.org/10.18196/jmh.2016.0076.150-161>.

¹⁴ Lalu Husni, *Introduction to Indonesian Employment Law*, Raja Grafindo Persada, Jakarta, 2013. Raja Grafindo Persada, 2013., p.152

¹⁵ Basofi, M. Bagus, and Irma Fatmawati. "Legal Protection of Workers in Indonesia Based on the Job Creation Law." *Professional: Journal of Communication and Public Administration* 10, no. 1 (2023): 82. <https://doi.org/10.37676/professional.v10i1.3544>.

dimension because it is related to fulfilling the needs of life, dignity, and welfare of a person.

The right to work also entails the consequence that workers must be treated as subjects of law, not solely as factors of production. Therefore, employment relations must be organized based on the principles of justice, equality, legal certainty, and respect for human rights. The state has an obligation to build an employment system that is able to provide protection for workers from the time they get a job, during the course of their work, until the end of the employment relationship.

Second, the right to fair wages. Wages are a form of reward or appreciation for the energy, time, expertise, and work that has been given by the worker to the employer. Therefore, every worker has the right to a fair and decent wage in accordance with the work and responsibilities carried out. Fair wages not only mean payment in accordance with the agreement, but also demands that the amount of wages be able to reflect the value of the job and provide opportunities for workers to meet the needs of a decent living. The right to fair wages is also closely related to the prevention of exploitation of workers. Inequality between the workload and the rewards received can create inequities in industrial relations. Therefore, wage policies must consider the balance between the interests of workers and the ability of employers while ensuring the fulfillment of a decent standard of living. This principle also emphasizes that wages are not just an economic issue, but part of the protection of the dignity and welfare of workers.

Third, the right to association and assembly. The right to association and assembly is an important instrument for workers to fight for and defend their interests in industrial relations. The position of workers in employment relationships is often not entirely balanced with that of employers, especially in terms of bargaining power regarding wages, working conditions, social security, and employment protection. In such conditions, the freedom to form or join a trade union is an important means of strengthening the collective position of workers. Through trade unions, workers can unite their interests and fight for their rights together, including the right to a living wage, a safe working environment, social protection, and certainty and fairness in employment relations. Collective organizing can improve the bargaining position of workers so that the demands conveyed have stronger legitimacy and bargaining power. Therefore, freedom of association must be guaranteed and protected from all forms of intimidation, discrimination, and repressive actions that can hinder workers from exercising their rights.

Fourth, the right to security and welfare protection. Safety, security, health, and welfare at work are an integral part of workers' rights. Every worker has the right to a safe, healthy work environment, and is able to provide protection against various risks that arise in the implementation of work. The protection of occupational safety and health is thus not just an administrative obligation of the employer, but is a concrete form of respect for basic human rights and dignity. These protections include the prevention of work accidents, the provision of adequate safety facilities and equipment, risk control in the workplace, and the provision of information and training on occupational safety and health. In addition, the welfare aspect of workers also includes social protection, humane working time and rest periods, as well as guarantees against various social and economic risks that may arise in employment relationships. Thus, worker protection must be implemented comprehensively so that the company's

economic activities and productivity continue without sacrificing the safety, health, and dignity of workers.

The employee category includes not only permanent employees and day laborers, but also employees with a term employment agreement. A term employment agreement is an employment relationship that, in accordance with Article 59 paragraph (1) of the old Employment Law, is determined based on its nature, character, or duration. A term employment agreement must be in writing and must not contain a probationary period; otherwise, the agreement is null and void. Although the employment relationship is only temporary, employees with a term employment agreement have a legally recognized status under the employment agreement.¹⁶

Contract workers have the same rights and obligations as permanent employees during the term of the contract. Employee rights include the right to income, social benefits, and other legal protections. If this provision is not met, the employee has the right to take legal action to maintain and enforce justice. The previous labor law provided legal protection to employees in the form of:¹⁷

- a) All workers have an equal opportunity to occupy this position, without discrimination.
- b) All workers have the right to form and join a trade union.
- c) All workers have the right to a safe and healthy working environment and to be treated with respect for their human dignity.
- d) Workers are entitled to social security.
- e) All workers are entitled to a salary or wage that guarantees a decent standard of living.

The Job Creation Law, which has since been amended by Law Number 6 of 2023, has undergone various changes over time, especially regarding regulations governing employment agreements. The provisions regarding the term employment agreement are the main focus of these changes and have a significant impact on the career paths of employees bound by the agreement. Many employees expressed dissatisfaction with the term employment contracts, so provisions regarding outsourcing, minimum wage, accommodations for persons with disabilities, use of time off, termination protection programs, and other topics were included in the amendment. However, the amendment to the old Article 59 of the Manpower Law is seen as a step backwards compared to the provisions in Article 59 of Law Number 6 of 2023. The old law regulates fixed-term employment contracts more precisely, as the new law has removed important elements of employee protection related to restrictions on the renewal and renewal of employment contracts. This elimination creates legal uncertainty for employees regarding the duration and limitations of the employment contract.¹⁸

In addition to a fixed-term employment contract (PKWT), there are also changes to the regulations governing outsourcing. Prior to the amendment, outsourcing was only allowed for ancillary activities (not core business activities). After the enactment of Law Number 6 of 2023, these restrictions were lifted, so that companies have greater flexibility in determining the types of activities that can be outsourced. From a business point of view, this policy improves the company's operational efficiency. However,

¹⁶ Laila Nurul Hidayati, "Legal Protection of Contract Workers in the Perspective of Law Number 13 of 2003 and the Omnibus Law." *Al-Zayn: Journal of Social and Legal Sciences* 3, no. 3 (2025): 1937. <https://doi.org/10.61104/alz.v3i3.1484>.

¹⁷ *Ibid*

¹⁸ *Ibid*.p.1938

from the perspective of worker protection, this change has the potential to create uncertainty regarding employment status and weaken the bargaining position of outsourced workers if government supervision does not function optimally.¹⁹

The purpose of the law is to establish order in society by protecting the interests of individuals or society. The legal system is tasked with building, advancing, and maintaining balance in society. Some of the regulations governing *outsourcing* have not been well implemented in practice. The outsourcing model has a risk of disputes, because there are still no specific legal provisions governing the status of workers employed by employment agencies, which causes conflicts to escalate into labor disputes that is, disputes over rights which is why legal protection for outsourced workers is so important. The government can guarantee this protection through special measures that provide legal protection for outsourced workers. However, this form of *outsourcing* is still seen as unfriendly to workers and tends to benefit employers. Legal protection for workers in the context of *outsourcing* is intended to guarantee workers' rights and ensure that workers receive opportunities and non-discriminatory treatment to improve their welfare.

The regulations governing termination of employment (PHK) have also changed. The Job Creation Law gives greater flexibility to employers in terminating employment, but still requires them to protect workers' rights in accordance with the provisions of the law. However, the amount of severance pay received by employees has been adjusted compared to the previous provisions. These changes aim to balance economic interests and employee protection; However, in practice, this continues to cause differences in interpretation and concern among employees regarding the reduced legal protection in the event of termination of employment.²⁰

The Job Creation Law significantly limits government control over industrial relations, as many aspects are left to agreements between the parties, such as the term of the term of the work contract (PKWT) and the right to additional rest time, which can be agreed upon in the employment contract. This also has an impact on industrial relations, the shift from a tripartite system to a bipartite system. In addition, the "Job Creation" Law has weakened trade unions, among other things by removing the minimum term for term employment contracts, thus encouraging labor market flexibility.

The Job Creation Law aims to create a more conducive investment climate and encourage economic growth through the implementation of more flexible regulations related to termination of employment. Under Article 151, termination of employment can be carried out without a convoluted procedure, provided that certain conditions are met. However, this change raises concerns among workers, as they risk losing the right to severance pay they should have received, which was previously better protected under Law Number 13 of 2003. The flexibility provided by the Job Creation Law regarding the termination of employment contracts reflects the changing conditions of the labor market, where companies need an adaptive strategy. However, this policy

¹⁹ Tiwang, Yovita. "Legal Protection of Outsourced Workers Based on Law Number 11 of 2020 concerning Job Creation." *Journal of Pro-Law: Research Journal of the Legal Field of Gresik University* 12, no. 3 (2023): 1084. <https://doi.org/10.55129/v12i3.2763>.

²⁰ Joseph was the Savior. "Legal Protection of Wage Rights Based on Law Number 6 of 2023 concerning Job Creation." *Lex Journal: Law & Justice Studies* 7, no. 2 (2023): 514–15. <https://ejournal.unitomo.ac.id/index.php/hukum/article/view/11894>.

must still consider the protection of workers' basic rights. Although employers are granted certain leeway, the Job Creation Act still requires employers to pay adequate severance pay and protect employees from unjust termination.²¹

The aim of this change is to ensure that, although employers are given greater flexibility, workers' rights are still protected in order to create a better investment climate. Article 156 of the Job Creation Law contains provisions regarding employment allowances for workers whose employment relationships have been terminated. However, most people argue that this provision is a step backwards compared to Law Number 13 of 2003, which better guarantees workers' rights. Therefore, a greater commitment is needed from the government to ensure that workers can exercise their rights, even though employers are given greater flexibility in determining the working period. The Job Creation Law also regulates administrative sanctions for companies that do not pay severance pay in accordance with their obligations, which confirms the government's seriousness in monitoring and upholding fairness in employment relations.²²

Implications of Changes in Labor Regulations on Workers' Rights

The framework for freelancers hired through employment agencies has been made more flexible under the Job Creation Act, allowing companies to replace their employees quickly and easily without guaranteeing strong protections for workers' rights. These changes could threaten job security for freelancers from employment agencies, who until now have been able to rely on clear employment rights related to wages, social benefits, and systematic termination procedures. In practice, freelancers often face difficulties in fully exercising their rights, especially regarding the payment of wages, severance pay, and other protections required by law. This change increases uncertainty, as freelance employment agencies may not have sufficient capacity to meet their obligations, especially if the client company is experiencing financial difficulties.²³

Another important aspect that must be considered during this transition period is the redetermination of legal responsibilities between the company and the outsourcing partner. Until now, the following provisions apply under labor laws: Although outsourced workers are formally under the direction of labor provider agencies, employers who employ such workers remain responsible for the rights of those workers. However, under the Job Creation Act, the primary responsibility for the rights of outsourced workers is now fully in the hands of the employment provider agency. This is a significant change in the legal relationship between workers, employment agencies, and employers, as temporary workers now have to submit their complaints to employment agencies, not to the employers where they work. These new regulations have the potential to deter workers from effectively enforcing their rights, especially if the employment agency does not have adequate resources or the necessary motivation to deal with their grievances.²⁴

²¹ Hanny Jermias, Onisimus Salamena and Moh. Saleh. "CHANGES IN THE NORMATIVE RIGHTS OF WORKERS IN TERMINATION OF EMPLOYMENT BASED ON THE JOB CREATION LAW." *ALADALAH: Journal of Politics, Social, Law and Humanities* 3, no. 2 (2025): 9. <https://doi.org/10.59246/aladalah.v3i2.1188>.

²² *Ibid.* pp.9-10

²³ Wijaya, Niko, and Gunardi Lie. "Implications of Changes in Labor Law in the Job Creation Law on the Outsourcing System." *QISTINA: Indonesian Multidisciplinary Journal* 4, no. 1 (2025): 949. <https://doi.org/10.57235/qistina.v4i1.6363>.

²⁴ *Ibid*

On the other hand, while the Job Creation Act gives companies broader authority in the management of human resources, it also increases the risk of legal uncertainty for employees, especially in sectors that rely heavily on temporary workers. With the lifting of restrictions on the types of jobs that can be provided to temporary workers, employees face a higher risk of losing their jobs without their rights protected by strong legal guarantees. The implications of this policy highlight the issue of job security, as temporary workers are more vulnerable to sudden termination without enjoying the same protections as those provided to permanent employees. This uncertainty extends beyond the scope of individual workers and has the potential to trigger increased social tensions, as temporary workers may feel marginalized and undervalued in the new employment landscape.²⁵

The Job Creation Law also contains a number of important changes related to the calculation of standard wages. Previously, the calculation of standard wages was based on Law Number 13 of 2003 concerning Manpower and Government Regulation Number 78 of 2015 concerning Wages. However, based on the Job Creation Law, economic variables are now used in the calculation of standard wages. Provisions regarding wage structure are regulated in Article 88C paragraphs (1) and (2). Article 88C paragraph (1) stipulates that the governor is obliged to set the provincial minimum wage, while Article 88C paragraph (2) gives the governor the authority to set the minimum wage at the district or city level with certain conditions. This regulation signals a shift towards a more flexible wage system; However, there is still uncertainty regarding the protection of workers' rights, especially regarding the guarantee and adequacy of wages.²⁶

In addition, the Job Creation Law is seen as a step backwards in efforts to guarantee the right to work and fair wages, starting with the forced implementation of the outsourcing system under the pretext of creating jobs while encouraging strategic projects that are important to the country. Government intervention through the enactment of laws must, as far as workers' rights are concerned, be based on the highest standards. On the contrary, it is the minimum standards that should apply in the employment relationship between workers and employers.²⁷

The changes to the provisions of the labor law in the "Job Creation" Law reflect a paradigm shift from a protectionist approach to one that aims to increase flexibility in employment relationships. In this context, employment relationships are no longer seen solely as a relationship in which employees must enjoy maximum protection, but rather as an economic mechanism that provides more flexibility for the company's efficiency. This situation has direct implications for job security, as it makes employees more vulnerable to changes in company policies, including termination of employment and adjustment of employment status.²⁸

²⁵ *Ibid*

²⁶ Agus Surya Manika. "KAJIAN YURIDIS TERKAIT PENENTUAN BESAR UPAH PEKERJA BERDASARKAN PASAL 88 C UNDANG-UNDANG NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA." *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (2022): 628–39. <https://doi.org/10.23887/jkh.v8i2.52010>.

²⁷ Suryandari, Wieke Dewi. "IMPLIKASI UNDANG-UNDANG CIPTA KERJA SEBAGAI HUKUM POSITIF DI INDONESIA TERHADAP PERLINDUNGAN HUKUM KEPADA BURUH." *JPeHI (Jurnal Penelitian Hukum Indonesia)* 1, no. 01 (2022): 8. <https://doi.org/10.61689/jpehi.v3i02.373>.

²⁸ Sania, I. Ketut. "Perkembangan Dan Tantangan Hukum Ketenagakerjaan: Tinjauan Terhadap Dinamika Regulasi Dan Hak-Hak Pekerja." *Indonesian Journal of Law and Justice* 2, no. 3 (2025): 3. <https://doi.org/10.47134/ijlj.v2i3.3656>.

In the outsourcing sector, these changes increasingly highlight the nature of the tripartite working relationship between workers, labor agencies, and client companies. From a legal point of view, the responsibility to guarantee workers' rights lies with the labor agency; However, in practice, workers often face structural barriers when demanding their rights to wages, social security, or severance pay when the employment relationship ends. If labor agencies do not have adequate financial resources, protections for workers become weak and difficult to enforce effectively. Therefore, this change in regulation can be seen as a factor that increases the risk of violation of the legal rights of temporary workers.²⁹

Another important change has to do with wage regulations. The Job Creation Law introduces a formula for determining the minimum wage that is more influenced by economic variables and gives a significant role to the governor in setting the minimum wage at the provincial, district, and city levels. Although this is intended to take into account regional conditions, this mechanism has the potential to create uncertainty regarding workers' income security. If wage standards are too flexible, the protection of workers' rights to a decent standard of living can be threatened, especially for workers with low bargaining power.³⁰

These changes suggest that workers' rights must not only be governed by written standards, but must also be supported by effective monitoring and enforcement mechanisms. Without adequate oversight, there is a risk that the new regulations will become legal instruments that, while formally appear legitimate, in practice weaken protections for workers. This is important because many violations of workers' rights do not occur at the level of the regulation itself, but rather at the level of its implementation on the ground.³¹

Overall, the changes to the provisions of the labor law brought about by the "Job Creation" Law highlight the dilemma between economic efficiency and the protection of workers' rights. On the one hand, the government seeks to create a more flexible investment climate; On the other hand, this approach has the potential to weaken workers' bargaining power in employment relations.³² Therefore, labor law reform must not only prioritize measures to ease the burden on the business world, but also ensure effective protection measures, strict supervision, and dispute resolution mechanisms that are easily accessible to workers.

CONCLUSION

This research shows that changes in labor regulations after the birth of the Job Creation Law, which was later amended through Law Number 6 of 2023, have brought about a fairly fundamental shift in the protection of workers' rights in Indonesia. If previously the employment regulation focused more on legal certainty and strong protection for workers, then in the new provisions there is a tendency towards greater

²⁹ Dean Fadhurohman Hafizh, Genta Maghribi, Rita Mulyani, Sastia Roria Afradyta, and Sharen Fernanda. "Analisis Praktik Outsourcing Dalam Perspektif Undang-Undang Cipta Kerja." *Jurnal Lemhannas RI* 10, no. 3 (2022): 222. <https://doi.org/10.55960/jlri.v10i3.298>.

³⁰ Marco Orlas. *Dinamika Perkembangan Ketenagakerjaan: Analisis Uuck No 6/2023 Dan Perubahan Regulasi Terkait*. Cetakan Pertama. 2024; Tahta Media.

³¹ Dede Iskandar. "Dinamika Kepastian Hukum Hak Pekerja: Analisis Aturan PKWT Dan Kompensasi Pada Undang-Undang Cipta Kerja." *SEMBILAN: Jurnal Hukum Dan Adat* 4, no. 1 (2026): 9. <https://adil.stihypm.ac.id/index.php/sembilan/article/view/158>.

³² Tejamukti, Robby. "The Effectiveness of Legal Protection for Contract Workers in the Outsourcing System After the Enactment of the Job Creation Law and Government Regulation Number 35 of 2021." *IBLAM LAW REVIEW* 5, no. 2 (2025): 155. <https://doi.org/10.52249/ilr.v5i2.633>.

flexibility in employment relations for the business world. This shift is most evident in the arrangements regarding Fixed-Time Work Agreements, outsourcing systems, termination of employment, and wage policies, which ultimately place workers in more vulnerable positions in industrial relations.

The main findings in this study show that these changes have an impact in the form of weakening legal certainty and decreasing bargaining power of workers, especially for contract workers and outsourced workers. This condition has an impact on the increasing difficulty of workers in fighting for their normative rights, such as living wages, severance pay, social security, and protection from unfair termination of employment. Therefore, this study emphasizes that the reform of labor regulations is not enough only to be assessed in terms of ease of doing business, but must also be seen from the extent to which the state is still able to guarantee the principles of justice, utility, and legal certainty for workers as parties who are socially and economically in a weaker position.

Based on the results of the study, it can be concluded that the formation of labor regulations in the future needs to be directed at a balance between investment interests and the protection of labor rights. It is not enough for the state to be present only through normative arrangements, but also to strengthen supervision, law enforcement, and industrial relations dispute resolution mechanisms so that worker protection can be truly felt in practice. Thus, the reform of labor laws is expected not only to encourage economic growth, but also to uphold the dignity of workers and ensure the fulfillment of their basic rights in a fair and proper manner.

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The authors state that there is no conflict of interest in the publication of this article.

BIBLIOGRAPHY

- Agus Surya Manika. "KAJIAN YURIDIS TERKAIT PENENTUAN BESAR UPAH PEKERJA BERDASARKAN PASAL 88 C UNDANG-UNDANG NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA." *Jurnal Komunikasi Hukum (JKH)* 8, no. 2 (August 2022): 628–39. <https://doi.org/10.23887/jkh.v8i2.52010>.
- Amania, Nila. "Problematisasi Undang-Undang Cipta Kerja Sektor Lingkungan Hidup." *Syariat: Jurnal Studi Al-Qur'an Dan Hukum* 6, no. 02 (December 2020): 209–20. <https://doi.org/10.32699/syariat.v6i02.1545>.
- Basofi, M. Bagus, and Irma Fatmawati. "Perlindungan Hukum Terhadap Pekerja Di Indonesia Berdasarkan Undang-Undang Cipta Kerja." *Professional: Jurnal*

- Komunikasi Dan Administrasi Publik* 10, no. 1 (June 2023): 82. <https://doi.org/10.37676/professional.v10i1.3544>.
- Dean Fadhurohman Hafizh, Genta Maghribi, Rita Mulyani, Sastia Roria Afradyta, and Sharen Fernanda. "Analisis Praktik Outsourcing Dalam Perspektif Undang-Undang Cipta Kerja." *Jurnal Lemhannas RI* 10, no. 3 (October 2022): 222. <https://doi.org/10.55960/jlri.v10i3.298>.
- Dede Iskandar. "Dinamika Kepastian Hukum Hak Pekerja: Analisis Aturan PKWT Dan Kompensasi Pada Undang-Undang Cipta Kerja." *SEMBILAN: Jurnal Hukum Dan Adat* 4, no. 1 (2026): 9. <https://adil.stihypm.ac.id/index.php/sembilan/article/view/158>.
- Hanny Jermias Onisimus Salamena and Moh. Saleh. "PERUBAHAN HAK NORMATIF PEKERJA DALAM PEMUTUSAN HUBUNGAN KERJA BERDASARKAN UNDANG-UNDANG CIPTA KERJA." *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 3, no. 2 (January 2025): 9. <https://doi.org/10.59246/aladalah.v3i2.1188>.
- Ibrahim, Zulkarnain. "EKSISTENSI SERIKAT PEKERJA/SERIKAT BURUH DALAM UPAYA MENSEJAHTERAKAN PEKERJA." *Jurnal Media Hukum* 23, no. 2 (2017): 151. <https://doi.org/10.18196/jmh.2016.0076.150-161>.
- Khairani, Khairani, and Trie Rahmi Gettari. "PERLINDUNGAN PEKERJA DITINJAU DARI KONSEP HUBUNGAN KERJA PASCA BERLAKUNYA UNDANG-UNDANG CIPTA KERJA." *UNES Journal of Swara Justisia* 7, no. 2 (July 2023): 709. <https://doi.org/10.31933/ujsj.v7i2.372>.
- Kurniawan, Fajar. "Problematisasi Pembentukan RUU Cipta Kerja Dengan Konsep Omnibus Law." *Jurnal Panorama Hukum* 5, no. 1 (June 2020): 64. <https://doi.org/10.21067/jph.v5i1.4437>.
- Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia*, Raja Grafindo Persada, Jakarta, 2013. Jakarta: Raja Grafindo Persada, 2013.
- Laila Nurul Hidayati, "Perlindungan Hukum Pekerja Kontrak Dalam Perspektif Undang-Undang Nomor 13 Tahun 2003 Dan Undang-Undang Omnibus Law." *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 3, no. 3 (2025): 1937. <https://doi.org/10.61104/alz.v3i3.1484>.
- Maulana, Alfian, "Metode Penelitian Hukum Normatif Dalam Menjawab Tantangan Dinamika Peraturan Perundang-Undangan." *Jurnal Penelitian Ilmiah Interdisipliner* 9, no. 11 (2025): 174. <https://sejurnal.com/pub/index.php/jpii/article/view/2149>.
- Marco Orias. *Dinamika Perkembangan Ketenagakerjaan: Analisis Uuck No 6/2023 Dan Perubahan Regulasi Terkait*. Cetakan Pertama. 2024; Tahta Media, n.d.
- Muhammad Zubi. "Tinjauan Yuridis Perlindungan Hak-Hak Normatif Tenaga Kerja Setelah Berlakunya Undang-Undang Cipta Kerja (Omnibus Law)." *Jurnal Ilmiah Metadata*, 3, no. 3 (2021): 1172. <https://ejournal.steitholabulilmi.ac.id/index.php/metadata/article/view/104>.
- Ollyvia Cantik Nur Annisa. "ANALISIS DAMPAK PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG CIPTA KERJA TERHADAP HAK PESANGON PEMUTUSAN HUBUNGAN KERJA." *JOURNAL EQUITABLE* 8, no. 1 (February 2023): 129–43. <https://doi.org/10.37859/jeq.v8i1.4494>.
- Peter Mahmud Marzuki. *Penelitian Hukum*, Jakarta: Kencana Prenada Media Group, 2007.

- Rony Hanintyo Soemitro. *Metodologi Penelitian Hukum*. Jakarta: Ghalia Indonesia, 1982.
- Ravi Dana, Arsis, Anik Iftitah, Muhammad Zainul Ichwan, and Mukhammad Taufan Perdana. "Implikasi Hukum Undang-Undang Cipta Kerja Terhadap Perlindungan Hak Pekerja Pasca Pailit." *Jurnal Supremasi*, September 20, 2024, 35–36. <https://doi.org/10.35457/supremasi.v14i2.3779>.
- Sania, I. Ketut. "Perkembangan Dan Tantangan Hukum Ketenagakerjaan: Tinjauan Terhadap Dinamika Regulasi Dan Hak-Hak Pekerja." *Indonesian Journal of Law and Justice* 2, no. 3 (February 2025): 3. <https://doi.org/10.47134/ijlj.v2i3.3656>.
- Suryandari, Wieke Dewi. "IMPLIKASI UNDANG-UNDANG CIPTA KERJA SEBAGAI HUKUM POSITIF DI INDONESIA TERHADAP PERLINDUNGAN HUKUM KEPADA BURUH." *JPeHI (Jurnal Penelitian Hukum Indonesia)* 1, no. 01 (December 2022): 8. <https://doi.org/10.61689/jpehi.v3i02.373>.
- Tejamukti, Robby. "Efektivitas Perlindungan Hukum Terhadap Pekerja Kontrak Dalam Sistem Outsourcing Pasca Berlakunya Undang-Undang Cipta Kerja Dan Peraturan Pemerintah Nomor 35 Tahun 2021." *IBLAM LAW REVIEW* 5, no. 2 (September 2025): 155. <https://doi.org/10.52249/ilr.v5i2.633>.
- Tiwang, Yovita. "Perlindungan Hukum Terhadap Pekerja Alih Daya (Outsourcing) Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja." *Jurnal Pro Hukum: Jurnal Penelitian Bidang Hukum Universitas Gresik* 12, no. 3 (March 2023): 1084. <https://doi.org/10.55129/v12i3.2763>.
- Wijaya, Niko, and Gunardi Lie. "Implikasi Perubahan Hukum Ketenagakerjaan Dalam Undang Undang Cipta Kerja Terhadap Sistem Outsourcing." *QISTINA: Jurnal Multidisiplin Indonesia* 4, no. 1 (June 2025): 949. <https://doi.org/10.57235/qistina.v4i1.6363>.
- Yitawati, Krista, Meirza Aulia Chairani, and Angga Pramodya Pradhana. "Problematisasi Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja Klaster Ketenagakerjaan Dalam Memberikan Perlindungan Dan Kesejahteraan Pekerja." *JURNAL RECHTENS* 13, no. 1 (June 2024): 100. <https://doi.org/10.56013/rechtens.v13i1.2671>.
- Yusuf Isa Permana. "Perlindungan Hukum Terhadap Hak Pengupahan Berdasarkan Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja." *Lex Journal: Kajian Hukum & Keadilan* 7, no. 2 (2023): 514–15. <https://ejournal.unitomo.ac.id/index.php/hukum/article/view/11894>.