EISSN: 2622-9668|PISSN: 2622-982X
Volume 8 Nomor 1 Februari 2025: 155-173
DOI: 10.30996/jhbbc.v8i1.12872
Jurnal Hukum Bisnis Bonum Commune

Urgency of Regulation of Administrative Sanctions on Employers Who Do Not Pay Severance

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Article History:
Submitted:
16-12-2024
Received:
21-01-2025
Accepted:
14-02-2025

Keywords:
industrial relation; administrative sanction; termination of employment; severance pay

Abstract

One of the industrial relations disputes that often occurs is Termination of Employment by employers that harms workers' rights, especially the provision of severance pay. Settlement of Disputes due to Termination of Employment through the courts does not guarantee legal certainty for the fulfillment of the rights of justice seekers, especially workers/laborers because it takes a very long time and process. The long time and process create a lack of legal certainty which fails to realize proportional justice, both for employers and workers/laborers. This study aims to find an effective and efficient solution in order to find workers' rights, in the form of severance pay due to termination of employment, through the regulation and imposition of administrative sanctions against employers who do not pay severance pay. The study raised two problems: how is the legal protection for terminated workers based on the Employment Law? how urgent is the regulation of administrative sanctions for employers who do not pay severance pay due to termination of employment; Employment? The formulation of the problem above is analyzed using the normative legal research method, namely research that focuses on the study of legal materials that are used as references for discussing problems, both primary legal materials and secondary legal materials. The approach used in this research also uses a legislative approach and a conceptual approach. After conducting a legal, theoretical and philosophical analysis, the following findings were obtained: legal protection for workers/laborers who experience termination of employment (PHK) includes guarantees of fulfillment of all normative rights that should be received by workers/laborers. The urgency of regulating administrative sanctions against employers who do not pay severance pay due to termination of employment, philosophically is a form of realization of improving welfare as mandated by the provisions of Article 28 D paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The solution offered in the form of regulating and imposing administrative sanctions for employers who do not pay severance pay due to termination of employment for workers/laborers is seen as primum remedium in enforcing labor laws that are more effective, efficient, fair and have legal certainty.

1. Introduction

Philosophically, the ideals of the founders of the Indonesian nation were to realize a just, prosperous and prosperous society in the life of the nation and state, as stated in paragraph IV of the Opening of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia): "*Kemudian dari pada itu untuk membentuk suatu Pemerintah Negara Indonesia yang melindungi segenap bangsa Indonesia dan seluruh tumpah darah Indonesia dan untuk memajukan kesejahteraan umum, mencerdaskan kehidupan bangsa, dan ikut melaksanakan ketertiban dunia berdasarkan kemerdekaan, perdamaian abadi dan keadilan sosial*".

In order to improve the welfare and quality of life of every citizen, the government as the state administrator has an important and strategic role in economic development. The state

is obliged to guarantee the rights of every citizen to decent work and living, as well as the realization of the highest possible public welfare. Such decent welfare and living can be realized if there is availability of employment, likewise employment can be created if the investment climate is conducive, growing and developing well. In constitutional juridical terms, it relates to the constitutional rights of citizens to obtain decent work and living for humanity and to receive fair and proper compensation and treatment in employment relations as regulated in Article 27 paragraph (2) and Article 28 D paragraph (2) of the 1945 Constitution of the Republic of Indonesia: "*Tiap-tiap warga negara berhak atas pekerjaan dan penghidupan yang layak bagi kemanusiaan*" and "*Setiap orang berhak untuk bekerja serta mendapat imbalan dan perlakuan yang adil dan layak dalam hubungan kerja*".[1]

In line with the national development goals above, it is necessary to organize industrial relations, both by the government, employers and workers by making Pancasila a benchmark for realizing a harmonious and just Pancasila industrial relations system. Industrial relations are a form of interaction between individuals in the workplace, in which there are interests of the parties, and if these interests intersect, it will cause industrial disputes.[2] The ideal wage scale in industrial relations must contain Pancasila values in order to achieve proportional justice, both for employers and for the working community.

Theoretically, the primary function of law is to protect people from actions that can harm and cause suffering to other people, society and the authorities.[3] In addition, the law also functions to provide justice and become a means to realize welfare for all people The protection, justice and welfare are aimed at legal subjects, namely supporters of rights and obligations. In the context of industrial relations, the legal subjects in question are Workers, Employers and the Government.

Empirically, it is inevitable that in industrial relations there is a possibility of conflict or dispute. Regarding industrial relations disputes between workers and employers, sometimes they cannot be avoided in daily practice, either because of disputes over rights, disputes over interests and disputes due to termination of employment. Therefore, all parties involved in the dispute must be open-minded and magnanimous to resolve the problems being faced.

According to the provisions of Article 1 number 22 of Law Number 13 of 2003 concerning Manpower, hereinafter referred to as Law No. 13/2003 in conjunction with Article 1 number 1 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, hereinafter referred to as Law No. 2/2004, it is stated that, "Industrial Relations Disputes are differences of opinion that result in conflict between employers or associations of employers and workers/laborers or workers' unions/labor unions due to disputes regarding rights, disputes over interests and disputes over termination of employment as well as disputes between workers' unions/labor unions in just one company."

Article 1 number 25 of the Employment Law states that: "Termination of Employment is the termination of an employment relationship due to a certain reason which results in the

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[1] Abdi Haikal and Zaeni Asyhadie, "Hak-Hak Dari Pekerja Pkwt Yang Di PHK,"*Private Law*" 3, no. 1 (2023), https://doi.org/10.29303/prlw.v3i1.2133.

[2] Sonia Amelia et al., "Legal Protection for Workers Who Have Harmed Employers," *Indonesia Law Reform Journal* 3, no. 1 (2023), https://doi.org/10.22219/ilrej.v3i1.24464.

[3] Hufron and Chamdani, *Pelindungan Hukum Pekerja/Buruh Alih Daya* (Surabaya: Jejak Pustaka, 2023).

termination of the rights and obligations between the worker/laborer and the employer." In the event of termination of employment, the employer is obliged to pay severance pay, long service bonus, and compensation for rights, which should be received under the provisions of laws and regulations. Based on the legal perspective of the regulation regarding legal protection for workers/laborers who are laid off, if their severance pay is not paid by the Employer, then civil efforts can be taken outside the court with the choice of bipartite, mediation, arbitration, or conciliation mechanisms. If the out-of-court settlement efforts are unsuccessful, workers/ laborers can file a lawsuit through the Industrial Relations Court (PHI). In addition to these civil legal efforts, criminally workers can report criminal acts in the field of employment to the local police who have the authority to do so. Meanwhile, in labor law, administrative sanctions are also known in which is part of administrative law. For a democratic country, state administrative law is a tool for state officials and the people who have equal positions in government. Democracy will create prosperity, where the law for a democratic country is a political construction that functions as a means of improving the welfare of the community.[4] However, regarding administrative sanctions that can be imposed on employers who do not pay severance pay due to layoffs, there are no clear and complete regulations, or in other words there is a vacuum in legal norms.

If traced from various laws and regulations in the field of employment, administrative sanctions can be imposed on business actors or companies for certain violations such as discriminating against workers/laborers, not paying religious THR, not paying the amount of wages that should be and other obligations, but not including employers who do not pay severance pay due to layoffs, even though there is a PHI decision that has permanent legal force for it. Employment law cannot be separated from administrative law and administrative sanctions, so it is considered important and urgent or has the urgency of regulating administrative sanctions against employers who do not pay severance pay due to layoffs, in addition to civil legal efforts (civil sanctions) and the imposition of criminal sanctions. By using the fundamental normative basis, namely Pancasila in the formation of good law, Pancasila must always be used as the main milestone in forming laws and regulations that are under the spirit of the Indonesian nation that humanizes fair and civilized humans and social justice for all Indonesian people.[5]

Sociologically, the position of workers or laborers can be said to be in a weak position if there is a layoff. This often occurs in actions that can harm the rights of workers or laborers who experience layoffs by employers or business actors, namely the non-payment of severance pay by the employer. Referring to previous research, this research has differences and innovations when compared to the following research: Atanasio Trivaldus B in his article entitled "Unilateral Termination of Employment According to the Manpower Law", stated that basically if an industrial relations dispute occurs, the settlement can be taken in 2 (two)

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[4] Lismanto Lismanto and Yos Johan Utama, "Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial Dalam Perspektif Negara Demokrasi", *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020), https://doi.org/10.14710/jphi.v2i3.416-433.

[5] Kukuh Sudarmanto, "Administrative Law and Justice System in Indonesia That Is Fair According to The Principles of Pancasila," *Jurnal Ius Constituendum* 6, no. 2 (2021), https://doi.org/10.26623/jic.v6i2.4110.

ways, namely through litigation and non- litigation. Atanasio explained that in the litigation path, it generally starts from the industrial relations court at the District Court to the Supreme Court level, while in the non-litigation path, the parties can resolve industrial relations disputes through arbitration, conciliation, bipartite and mediation mechanisms.[6]

Dewa Sukma Kelana in his article entitled "Legal Protection for Workers in Unilateral Termination of Employment (Review of Law Number 13 of 2003 concerning Manpower), in his conclusion explained that legal protection for workers/laborers against company arbitrariness and violations of workers/laborers' rights can be in the form of preventive and repressive legal protection. Preventive legal protection, for example, through agreements or work contracts, while repressive legal protection is through lawsuits if there is a violation of rights. In the event of layoffs, the company is responsible for providing compensation under statutory provisions in the form of severance pay, long service bonus money, and rights that must be replaced by the company.[7] Furthermore, Akhmad Maimun and Natasia in their article entitled "Legal Analysis of Severance Pay Rights for Termination of Employment in the Enactment of the Job Creation Law", explained that in the Job Creation Law, companies are required to provide severance pay to employees due to layoffs. Companies are required to provide workers/laborers' rights under the provisions of the law if this has been conducted layoff action.

Meanwhile, this study focuses on administrative sanctions that can be imposed on companies that do not pay severance pay. Thus, based on the description above, it is considered interesting to raise the issue, "The Urgency of Regulation and Imposition of Administrative Sanctions on Employers Who Do Not Pay Severance Pay Due to Termination of Employment" with the formulation of the problem: 1) How is the legal protection for workers who experience Termination of Employment (PHK) based on Employment Law?; 2) What is the urgency of regulation and imposition of administrative sanctions for employers who do not pay severance pay due to Termination of Employment (PHK)?

2. Methods

This study is normative legal research to find legal rules or answer legal issues so that new arguments or concepts are obtained in solving problems.[8] The problem approach in this research uses a statute approach and a conceptual approach.[9]

3. Results and Discussion

3.1. Legal Protection for Workers Who Experience Termination of Employment Work Based on Employment Law

In relation to employment, Law No. 13/2003 has regulated the rights of workers/laborers, including the right to receive equal treatment without discrimination, the

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[6] Atanasio Trivaldus Bambar, "Unilateral Termination of Employment According to the Manpower Law," *JIIP-Scientific Journal of Educational Sciences* 5, no. 6 (2022): 2035-41, https://doi.org/10.54371/jiip.v5i6.680.

[7] Dewa Sukma Kelana, "Legal Protection for Workers in Unilateral Termination of Employment (Review of Law Number 13 of 2003 Concerning Employment)," *Scientific Journal of Law and Justice* 9, no. 2 (2022), https://doi.org/10.59635/jihk.v9i2.207

[8] Peter Mahmud Marzuki, *Legal Research (Revised)* (Jakarta: Kencana Prenada Media Group, 2005).

[9] Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2016).

right to develop work potential, the right to receive wages, the right to receive rest time and leave, the right to receive social security and other rights after termination of employment.[10]

In order to protect and guarantee the normative rights of workers and a decent living for workers, layoffs are required as a last resort or effort after other measures have failed.[11] Basically, layoffs are permitted to be carried out, as long as the reasons are clear and can be accepted.[12] The Employment Law defines Termination of Employment as the termination of an employment relationship due to a certain reason that results in the termination of the rights and obligations between the worker/laborer and the employer. Termination of Employment as referred to in Article 150 of Law No. 13/2003, includes termination of employment that occurs in a business entity that is a legal entity or not, owned by an individual, owned by a partnership or owned by a legal entity, whether privately owned or state-owned, as well as social enterprises and other enterprises that have managers and employ other people by paying wages or other forms of compensation.[13] According to Asri Wjayanti[14], termination of employment (PHK) is divided into 4 (four) types, namely, Termination of Employment by law, Termination of Employment by workers, Termination of Employment by employers or entrepreneurs, and Termination of Employment due to court decisions. PHK that occurs by law is stated in Article 61 paragraph (1) of The Job Creation Law, Employment Cluster, states that the Employment Agreement ends if:

a. The worker/laborer dies;
b. Expiration of the term of the Employment Agreement;
c. Completion of a certain job;
d. The existence of a court decision and/or decision or determination of an industrial relations dispute resolution institution that has permanent legal force, or
e. There are certain circumstances or events stated in the Employment Agreement, Company Regulations, or Collective Labor Agreement which can cause the employment relationship to end.

Termination of Employment (PHK) by workers can occur if the worker resigns or there is an urgent reason that causes the worker to request a Termination of Employment (PHK). The termination of employment (PHK) was based on one's own will without any indication of

[10] Nur Putri Hidayah, Quincy R. Cloet, and David Pradhan, "The Implementation of Labor Development Principles According to Job Creation Law as a Reason to Protect Wages Rights," *Bestuur* 9, no. 1 (2021), https://doi.org/10.20961/bestuur.v9i1.49252

[11] Nindry Sulistya Widiastiani, "Justifikasi Pemutusan Hubungan Kerja Karena Efisiensi Masa Pandemi Covid-19 Dan Relevansinya Dengan Putusan Mahkamah Konstitusi Nomor 19/PUU-IX/2011," *Jurnal Konstitusi* 18, no. 2 (2021), https://doi.org/10.31078/jk1827

[12] Andria Marchelia, Dea Apriliani, and Mas Anienda Tien, "Keberlakuan Alasan Pandemi Covid-19 Dalam Dunia Ketenagakerjaan," *Jurnal Hukum Bisnis Bonum Commune* 4, no. 2 (2021): 139–48, https://doi.org/10.30996/jhbbc.v4i2.5148.

[13] Agus Wijaya, Solechan, and Suhartoyo, "Analisis Yuridis Pengaturan Pemutusan Hubungan Kerja Dalam Undang-Undang Ketenagakerjaan Setelah Pengesahan Undang-Undang Cipta Kerja," *Dipoenogoro Law Journal* 11, no. 2 (2022). https://doi.org/10.14710/dlj.2022.33437.

[14] Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi*, 1st ed. (Sinar Grafika, 2009).

pressure/intimidation from the employer. In addition, based on the provisions of Article 154 A paragraph (1) letter g of Law No. 6/2023, it is stated:

"Termination of Employment can occur for the following reasons:

g. There is a request for Termination of Employment submitted by the Worker/Laborer because the Employer has committed the following acts:
   1. Abuse, insult or threaten workers/laborers;
   2. Persuading and/or ordering workers/laborers to carry out acts that are contrary to statutory regulations;
   3. Not paying wages on time for 3 (three) consecutive months or more, even though the Employer pays wages on time after that;
   4. Not carrying out obligations that have been promised to workers/laborers;
   5. Ordering workers/laborers to carry out work outside that way was agreed upon; or
   6. Providing work that endangers the life, safety, health, and morality of workers/laborers while the work is not stated in the Employment Agreement."

Termination of Employment (PHK) by the Employer can occur for reasons such as if the worker does not pass the probationary period, or if the employer experiences losses, so that the business closes or if the worker makes a mistake.[15] Termination of Employment (PHK) must be based on certain reasons that have been determined by laws and regulations, especially if the termination is carried out by the Employer. If the Termination of Employment (PHK) is not based on a clear reason, then the termination is void and the worker concerned must be reinstated in his/ her original position and compensation must be paid to the worker. In this case, the Worker/Laborer has the right to choose between reinstatement or receiving compensation.[16] Furthermore, Termination of Employment (PHK) due to a court decision occurs as a result of a dispute between the worker/ laborer and the employer which continues to the court process. However, basically there are 3 (three) types of Termination of Employment (PHK), namely, termination by law, termination at the request of the worker/laborer, termination by the employer. Meanwhile, termination by court decision is the result of an industrial relations dispute between the worker/laborer and the employer, through a lawsuit for Termination of Employment to the Industrial Relations Court (PHI).

All workers/laborers in Indonesia have the right to a decent living for the sake of humanity and upholding dignity and honor.[17] The essence of the establishment of labor law is protection for workers, namely intended to guarantee the basic rights of workers/laborers and equal opportunities and treatment without discrimination for any reason to realize the welfare of workers/laborers and their families while still paying attention to the development of the progress of the business world.[18] In order to resolve industrial relations disputes, the law

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[15] Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi,* 1st ed. (Sinar Grafika, 2009), page 163.
[16] G. Kartasapoetra, *Hukum Perburuhan Di Indonesia Berdasarkan Pancasila* (Jakarta: Sinar Grafika, 1992)
[17] Sidik Sunaryo, "The Philosophy of Social Injustice for All Indonesian Laborers Set Forth in Job Creation Law," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2022), https://doi.org/10.22219/ljih.v31i1.25330.
[18] Mario Lawendatu, "Tinjauan Hukum Ketenagakerjaan Tentang Pelindungan Buruh/Pekerja Berdasarkan Undang-Undang

provides means or efforts to protect each party involved in the dispute, both from the employer's side and the worker's side. Legal protection efforts mandated by the constitution can refer to the provisions of Article 27 paragraph (2) of the 1945 NRI Constitution and Article 28 D paragraph (2) of the Second Amendment to the 1945 NRI Constitution as stated above. Therefore, the government's constitutional obligation is not only to provide the widest possible employment opportunities for citizens, but is also obliged to provide legal protection to workers in order to receive compensation, fair and proper treatment in employment relations.

The existence of layoffs, gives rise to the obligation of employers to pay workers' rights, including severance pay if a layoff occurs.[19] The implications of the consequences of Termination of Employment (PHK) have a very big influence on the fulfillment of the workers'/laborers' future livelihoods. Layoffs that occur to workers/laborers can have implications for the income of workers and their families. In this condition, the families of workers/laborers can be categorized as being in a state of temporary poverty. If this problem continues for a long period of time, while workers/laborers who experience layoffs have not found new jobs, then their condition will change into chronic poverty. Therefore, it is reasonable for the government to provide legal regulations regarding the obligations of employers to provide compensation that should be received by workers/laborers who experience PHK is under the calculations determined by statutory regulations.[20]

The rights that must be received by workers/laborers in the event of layoffs are regulated in Article 156 paragraph (1) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law, hereinafter referred to as Law No. 6/2023 in conjunction with Article 40 paragraph (1) of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time, and Termination of Employment, hereinafter referred to as Government Regulation No. 35/2021, including that Employers are required to pay severance pay and/or service award money and replacement money for rights that should have been received.

Furthermore, the amount of severance pay and length of service award money has been determined by the laws and regulations contained in Article 156 paragraph (2) and paragraph (3) of Law No. 6/2023 in conjunction with Article 40 paragraph (2) and paragraph (3) of Government Regulation No. 35/2021, namely:

1. Severance pay as referred to in paragraph (1) is given with the following conditions:
    a. work period less than 1 (one) year, 1 (one) month Wages;

Nomor 13 Tahun 2003," *LEX ET SOCIETATIS* 9, no. 1 (2021), https://doi.org/10.35796/les.v9i1.32059

[19] Yusuf Randi, "Pandemi Corona Sebagai Alasan Pemutusan Hubungan Kerja Pekerja Oleh Perusahaan Dikaitkan Dengan Undang-Undang Ketenagakerjaan," *Yurispruden* 3, no. 2 (2020), https://doi.org/10.33474/yur.v3i2.6709.

[20] Rahmawati Kusuma and AD Basniwati, "Hak Pekerja Yang Mengalami Pemutusan Hubungan Kerja Berdasarkan Peraturan Pemerintah Nomor 35 Tahun 2021," *The Juris* 6, no. 2 (2022): 325–32, https://doi.org/10.56301/juris.v6i2.599.

b. work period of less than 1 (one) year or more but less than 2 (two) years, 2 (two) months wages;
c. work period of 2 (two) years or more but less than 3 (three) years, 3 (three) months Wages;
d. work period of 3 (three) years or more but less than 4 (four) years, 4 (four) months Wages;
e. work period of 4 (four) years or more but less than 5 (five) years, 5 (five) months Wages;
f. work period of 5 (five) years or more but less than 6 (six) years, 6 (six) months Wages;
g. work period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months Wages;
h. work period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months Wages;
i. work period of 8 (eight) years or more, 9 (nine) months of wages.

2. The length of service bonus money as referred to in paragraph (1) is given with the following provisions:
   a. work period of 3 (three) years or more but less than 6 (six) years, 2 (two) months Wages;
   b. work experience of 6 (six) years or ore but less than 9 (nine) years, 3 (three) months Wages;
   c. work period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months Wages;
   d. work period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months Wages;
   e. work experience of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months wages;
   f. work period of 18 (eighteen) years or more but less than 21 (twenty-one) years, 7 (seven) months Wages;
   g. work period of 21 (twenty-one) years or more but less than 24 (twenty-four) years, 8 (eight) months Wages;
   h. work period of 24 (twenty-four) years or more, 10 (ten) months of wages.

The replacement money for rights that should be received is regulated in Article 156 paragraph (4) of Law Number 6 of 2023 in conjunction with Article 40 paragraph (4) of Government Regulation Number 35 of 2021, namely:

The replacement money for rights that should be received as referred to in paragraph (1) includes:

a. annual leave that has not been taken and has not yet expired;
b. costs or expenses for workers/laborers and their families to return home place where workers/laborers are accepted to work;
c. other matters stipulated in the Employment Agreement, Company Regulations, or Joint Work Agreement.

The law must basically be present to protect workers amidst the problems caused by Termination of Employment (PHK), reduction of working hours, and delay in salary payments, and so on.[21] Efforts to provide legal protection for workers/laborers in an employment relationship are a follow-up to the enforcement of human rights.[22] The government as a regulator must be able to accommodate this protection.

The law needed by weak communities, in this case workers/laborers who have experienced termination of employment.[23] Legal Protection is given by the government to workers/laborers through the Employment Law to guarantee certainty and protection for the survival and work of workers/laborers. This is under the mandate of the provisions of Article 27 paragraph (2) of the 1945 NRI Constitution whereas, "everyone has the right to obtain work and a decent living for humanity". Meanwhile, Article 28 D paragraph (2) of the second Amendment to the 1945 NRI Constitution mandates that "everyone has the right to work and to receive fair and proper compensation and treatment in employment relations". Thus, the constitutional obligation of the Government is not only to provide as many job opportunities as possible for citizens, but it is also obliged to provide legal protection to citizens who work. According to Kartasapoetra and Indraningsih, worker protection includes:[24]

a. Occupational safety standards, which include: occupational safety related to machines, aircraft, work tools, materials and work processes, conditions of the workplace and its environment and methods of carrying out work.
b. Occupational safety and health standards of the company, which include: maintaining and improving the health of workers, carried out by regulating the provision of medicines, treatment of sick workers, as well as regulating the provision of places, methods, and work conditions that meet the health and health of the company and workers to prevent diseases, whether as a result of work or general diseases and placing health requirements for workers' housing.
c. Work norms, which include: protection for workers related to working hours, wage systems, leave, children's work, women's work, morality, worship according to each worker's religion and belief and which is recognized by the government, social obligations, and so on in order to maintain work enthusiasm and morale that guarantees high work efficiency and maintains treatment that is under human dignity and morals.
d. Workers who have work accidents and/or suffer from general illnesses due to work are entitled to compensation for treatment and rehabilitation due to accidents and/or illnesses due to work. Their heirs are entitled to compensation.

According to Soepomo, worker protection can be divided into three types, namely:

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[21] Prilly Priscilia Sahetapy, Fajar Sugianto, and Tomy Michael, "Melindungi Hak Pekerja Di Era Normal Baru," *Adalah: Buletin Hukum & Keadilah* 4, no. 1 (2020). https://doi.org/10.15408/adalah.v4i1.17247

[22] Vincensia Anindya Cahyaningtyas, "Pelindungan Hukum Terhadap Pekerja Akibat Pemutusan Hubungan Kerja (PHK) Untuk Efisiensi Dalam Perspektif Hukum Ketenagakerjaan," *Morality: Jurnal Ilmu Hukum* 08, no. 2 (2022). https://doi.org/10.52947/morality.v8i1.243

[23] Agung Kristyanto Nababan et al., "Keabsahan Materi Muatan Terkait Uang Pesangon Dalam Peraturan Perundang-Undangan," *Jurnal Usm Law Review* 5, no. 1 (2022): 314, https://doi.org/10.26623/julr.v5i1.4808.

[24] Kartasapoetra, *Hukum Perburuhan Di Indonesia Berdasarkan Pancasila.*

a. Economic Protection, namely protection of workers in the form of sufficient income, including when workers are unable to work against their will.
b. Social Protection, namely protection of workers in the form of occupational health insurance, and freedom of association and protection of the right to organize.
c. Technical Protection, namely protection of workers in the form of work safety and security.[25]

Active legal protection in the form of actions by female workers/laborers related to efforts to fulfill their rights. This active legal protection is divided into two, namely: 1) Active-preventive legal protection, namely in the form of rights granted by female workers related to the implementation of government or employer regulations or policies that will be taken if they affect or harm the rights of female workers; and 2) Active-repressive legal protection, namely in the form of demands to the government or employers regarding regulations or policies that have been applied to female workers that are considered to cause losses. Thus, legal protection for workers can also include passive legal protection and active legal protection. This legal protection is certainly needed by workers who are often positioned as weak parties and are not yet strong socially, economically and politically to obtain social justice, therefore, the implementation of a welfare state can be declared ineffective according to the objectives of the law if there are still individuals or groups of workers who do not receive fair legal protection under their position, rights and obligations in the implementation of industrial relations.

The State's efforts to provide legal protection for workers/laborers are carried out in 2 (two) ways, namely through preventive legal protection and repressive legal protection.[26] M. Isnaeni is of the opinion that basically the issue of "legal protection" when viewed from its source can be divided into two (2) types, namely "external" legal protection and "internal" legal protection.[27] The essence of internal legal protection, basically the legal protection in question is packaged by the parties themselves when making an agreement, where when packaging the contract clauses, both parties want their interests to be accommodated based on an agreement. Likewise, all types of risks are attempted to be prevented through filing through clauses that are packaged based on an agreement, so that with that clause the parties will obtain balanced legal protection based on their mutual agreement. Regarding internal legal protection, this can only be realized by the parties, when their legal position is relatively equal in the sense that the parties have relatively balanced bargaining power, so that based on the principle of freedom of contract, each of the contracting parties has the freedom to express their wishes according to interests. This pattern is used as a basis when the parties assemble the clauses of the agreement they are working on, so that legal protection for each party can be realized clearly on their initiative.[28]

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[25] I Soepomo, H Poerwanto, and S Rachmat, Pengantar Hukum Perburuhan (Jakarta: Djambatan, 1995)
[26] Sukma Kelana, "Pelindungan Hukum Bagi Buruh Dalam Pemutusan Hubungan Kerja Secara Sepihak (Tinjauan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan)." *Jurnal Ilmiah Hukum Dan Keadilan* 9, no. 2 (2022), https://doi.org/10.59635/jihk.v9i2.207.
[27] Moch Isnaeni, *Pengantar Hukum Jaminan Kebendaan* (Surabaya: Revka Petra Media, 2016).
[28] Moch Isnaeni.

External legal protection created by the authorities through regulations for the interests of the weak party, under the nature of the statutory regulations that must not be biased and partial, proportionally must also be given balanced legal protection as early as possible to the other party[29] because it is possible that at the beginning of the agreement, there is a party that is relatively stronger than its partner, but in the implementation of the agreement the party that was originally strong, fell into becoming the party that was persecuted, for example when the debtor defaults, then the creditor should also need legal protection. The packaging of the statutory regulations as explained above, illustrates how detailed and fair the authorities are in providing legal protection to the parties proportionally. Issuing legal regulations with such a model is certainly not an easy task for the government which always tries optimally to protect its people.

The importance of protection for workers or laborers usually clashes with the interests of employers to gain the greatest possible profit in running their business.[30] Therefore, the protection provided to workers/laborers is aimed at fulfilling the basic rights of workers/laborers and guarantee harmony and treatment without discrimination.[31] This is intended to realize the welfare of workers/laborers and their families by paying attention to developments in the progress of the business world. Moreover, workers/laborers are considered as the weak party because they always experience injustice when dealing with company interests.[32] In this work protection, it has the aim of ensuring the continuity of the work relationship system without any pressure from various parties. Therefore, employers are required to implement the provisions regarding this protection under applicable laws and regulations.

3.2. Urgency of Regulation and Imposition of Administrative Sanctions for Employers Who Do Not Pay Severance Pay Due to Termination of Employment

Termination of employment (PHK) is a suffering for workers/laborers who are struggling for themselves and their families, the decision on termination of employment aims to end the relationship of rights and obligations between the company and its employees. In practice, both employees and companies must decide to end the relationship, so that it can be agreed upon based on justice. Law No. 6/2023 in conjunction with Government Regulation No. 35/2021, emphasizes that employers or entrepreneurs are required to provide rights to workers/laborers who experience layoffs with calculations under statutory regulations. However, in practice there are still workers or laborers who experience termination of employment (PHK) without receiving severance pay. PHK carried out for reasons permitted by the laws and regulations, employers or entrepreneurs are still required to provide the rights

[29] Moch Isnaeni.
[30] Mohamad Anwar, "Dilema PHK Dan Potong Gaji Pekerja," *Buletin Hukum Dan Keadilan* 4, no. 1 (2020). https://doi.org/10.15408/adalah.v4i1.15752
[31] Rudi Febrianto Wibowo and Ratna Herawati, "Pelindungan Bagi Pekerja Atas Tindakan Pemutusan Hubungan Kerja (PHK) Secara Sepihak," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021), https://doi.org/10.14710/jphi.v3i1.109-120.
[32] Indi Nuroini, "Penyelesaian Perselisihan PHK Pasca Berlakunya Undang-Undang Cipta Kerja," *Jurnal Sosial Humaniora Dan Pendidikan* 1, no. 1 (2022), https://doi.org/10.55606/inovasi.v1i1.192.

of the workers/laborers. The law present in society must be able to provide benefits and uses.[33] In addition, law enforcement in employment also has an important role in the occurrence of industrial relations disputes. Law enforcement is an important part of the legal system, where this needs to be done with various systematic and sustainable coaching efforts. The substance of law enforcement is very dependent on the human factor. The practice of law enforcement in employment itself consists of several parties that have important roles, namely the community, employers, workers/laborers and trade unions/labor unions and the government.

Discussing the enforcement of labor law is certainly very closely related to the position of labor law itself in the national legal system. Wherein there is a relationship with aspects of civil law, aspects of administrative law and aspects of criminal law. In relation to industrial relations disputes that occur, if associated with legal efforts as a form of protection for workers, in the civil law aspect it can be resolved either outside the court or through the court. Settlement outside the court can be taken through bipartite procedures, mediation, conciliation, or arbitration. While legal efforts through the court, can file a lawsuit through the industrial relations court at the district court whose jurisdiction covers the place where the worker/laborer works. Furthermore, in terms of criminal law, it is taken based on the criminal provisions that have been regulated in the Employment Law and criminal provisions which is regulated in Law Number 11 of 2020 concerning Job Creation hereinafter referred to as Law No. 11/2020 as revoked by Law No. 6/2023. Meanwhile, in terms of administrative law, labor law is closely related to administrative law, where the government has a role as a regulator. The aspect of administrative law provides the role of the government, including the provincial government and district/city government in its practical forms, including:[34]

a. Establishing laws and regulations in the field of employment;
b. Providing business permits;
c. Providing employment services, such as:
    1) Employment placement and job expansion services;
    2) Workforce training and productivity services;
    3) Industrial relations services and work requirements;
    4) Supervision services and work norms.

Employers' disobedience in paying severity pay to workers who are laid off causes material and immaterial losses to workers/laborers. Layoffs experienced by workers/laborers can affect the economic conditions of workers and their families. Meanwhile, workers/laborers must continue their lives by looking for new jobs. If employers do not pay the rights that workers/laborers should receive, the impact will be quite large on the survival of the workers/laborers. Administrative sanctions for employers who do not pay severance pay to workers due to layoffs have not been regulated. Such a legal vacuum will cause legal uncertainty. Taking legal steps through criminal channels will not guarantee that the

[33] Fajar Kurniawan, "Problematika Pembentukan RUU Cipta Kerja Dengan Konsep Omnibus Law Pada Klaster Ketenagakerjaan Pasal 89 Angka 45 Tentang Pemberian Pesangon Kepada Pekerja Yang Di PHK," *Jurnal Panorama Hukum* 5, no. 1 (2020), https://doi.org/10.21067/jph.v5i1.4437

[34] Abdul Khakim, Dasar-Dasar Hukum Ketenagakerjaan Indonesia (Bandung: Citra Aditya Bakti, 2020).

workers/laborers will receive serious pay in the amount of money they should receive. The article stating the criminal sanctions is regulated in Article 185 paragraph (1) of Law No. 6/2023, which reads:[35]

Article 185 paragraph (1)

> "Anyone who violates the provisions as referred to in Article 42 paragraph (2), Article 68, Article 69 paragraph (2), Article 80, Article 82, Article 88A paragraph (3), Article 88E paragraph (2), Article 143, Article 156 paragraph (1), or Article 160 paragraph (41) shall be subject to a criminal penalty of imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years and/or a fine of at least IDR 100,000,000.00 (one hundred million rupiah) and a maximum of IDR 400,000,000.00 (four hundred million rupiah)."

The imposition of criminal sanctions should be the last option or *ultimum remedium* after the *primum remedium* sanctions, namely administrative sanctions, are taken, by prioritizing a faster, more effective and efficient process. Thus, it is necessary to pay attention and think about the regulation and imposition of administrative sanctions on employers who do not pay severance pay due to Termination of Employment (PHK).

Generally, administrative sanctions are applied by State Administrative Officials (Pejabat TUN), but often administrative sanctions are only used in cases involving government agencies or someone who holds a position in government with the community. The application of administrative sanctions cannot be separated from general policies that aim to realize order, provide legal certainty and guarantee protection of the rights of every person from any disturbance.[36]

Employment law regulates administrative sanctions that can be imposed on employers and workers/laborers. Imposition of administrative sanctions for violations in the field of employment provides a shortcut outside of criminal or civil settlements which are generally carried out through the courts. The administrative sanction process also does not require a long time like through the courts, because the imposition of administrative sanctions does not require intervention from judges, police or law enforcement in court. Administrative sanctions are simply imposed by local labor inspectors based on the results of an examination of the employer's non- compliance with applicable laws and regulations.

Violations that occur in the employment sector that are specifically related to administrative violations, generally include:[37]

1) There is discriminatory treatment of workers by businessmen;
2) Failure to implement job training by the organizer under job training requirements;
3) Internships for workers outside of Indonesia are carried out without permission from the minister;
4) The company does not implement an occupational health and safety management system that is integrated with the company management system;

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[35] Republik Indonesia, "Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang" (2023).

[36] Sri Nur Hari Susanto, "Karakter Yuridis Sanksi Hukum Administrasi," *Administrative Law and Governance* 2, no. 1 (2019): 126–142. https://doi.org/10.14710/alj.v2i1.126-142

[37] Jessy Wailan Junior Pitoy, "Pelanggaran Administrasi Atas Ketentuan-Ketentuan Hukum Di Bidang Ketenagakerjaan," *Lex et Societatis* VII, no. 5 (2019): 105–13. https://doi.org/10.35796/les.v7i5.24729

5) Companies employing 50 (fifty) workers/laborers or more do not fulfill the obligation to form a bipartite cooperation institution;
6) Private employment agencies may only collect employment placement fees from employment users and from certain groups and positions of employees. This provision is intended so that private employment agencies do not collect placement fees from all employees, only employees and from certain groups and positions of employees;
7) Employers of foreign workers do not fulfill the obligation to appoint Indonesian citizen workers as assistants to foreign workers employed for technology transfer and skills transfer from foreign workers;
8) Employers do not fulfill the obligation to pay compensation for each foreign worker they employ;
9) Employers who employ foreign workers do not fulfill the obligation to repatriate foreign workers to their home country after their employment relationship ends;
10) Employers do not print and distribute a draft of a collective work agreement to each worker/laborer at the company's expense;
11) In the event that a worker/laborer is detained by the authorities because they are suspected of committing a criminal act not based on a complaint from the employer, the entrepreneur is not obliged to pay wages but is obliged to provide assistance to the family of the worker/laborer who is his or her dependent.

According to this, none of them mention that administrative sanctions can be imposed for the negligence of employers or entrepreneurs in guaranteeing the welfare of workers/laborers, especially those who have experienced termination of employment (PHK). In addition to the fast process, the imposition of administrative sanctions focuses more on recovery so that workers/laborers can immediately receive their normative rights. In addition, employers or entrepreneurs benefit from the stages of administrative sanctions which start with reprimands, written warnings, restrictions on business activities, freezing of business activities, cancellation of approvals, to revocation of business permits. Thus, sanctions such as freezing of business activities or revocation of permits are not immediately imposed, but rather the stages of reprimands, written warnings, or restrictions on business activities begin.

The importance of regulating and imposing administrative sanctions on employers who do not pay severance pay due to layoffs is a manifestation of the state's role in ensuring the welfare of its citizens. In essence, a welfare state can be described as the influence of human desires that expect a sense of security, peace, and welfare so as not to fall into misery. Meanwhile, a state of law is guided by the principle of legality, where sanctions or punishments can be imposed if there are binding rules. A welfare state of law speaks of guaranteeing the welfare of the entire community through laws that applicable. Prabu Kresno wrote in his article that, to realize the welfare of the people must be based on five pillars of the state, namely: Democracy, Law Enforcement *(Rule of Law),* Protection of Human Rights *(The Human Right Protection),* Social Justice *(Social Justice)* and Anti-Discrimination *(Anti-*

Discrimination).[38] The government must use these five factors as a basis for realizing welfare in society. In relation to severance pay, this is one of the fulfillments of workers'/laborers' rights. As mandated by the provisions of Article 28D paragraph (2) of the 1945 NRI Constitution: "Everyone has the right to work and to receive fair and proper compensation and treatment in employment relations." Thus, the regulation of administrative sanctions against employers who do not pay severance pay due to layoffs is a manifestation of the protection of the rights of every citizen, in this case workers/laborers, which can guarantee the welfare of workers/laborers.

Philipus M. Hadjon stated that legal protection for the people is a government action that is preventive and repressive in nature. Preventive legal protection aims to prevent disputes from occurring, which directs government actions to be careful in making decisions based on discretion, and repressive protection aims to resolve disputes, including their handling in judicial institutions, focusing more on repressive legal protection facilities, such as handling legal protection in the general judicial environment, in this case the industrial relations court. This means that legal protection is only given when a problem or dispute has occurred, so that the legal protection provided by the industrial relations court aims to resolve industrial relations disputes/disputes, including Termination of Employment disputes.

Employers are required to pay severance pay due to Termination of Employment for each worker/employee. The concept of regulating administrative sanctions against employers who do not pay severance pay due to termination of employment is regulated in several laws and regulations in Indonesia. It is necessary to convey several important things as a concept for regulating and imposing administrative sanctions:

a) Definition and Purpose of Administrative Sanctions: Administrative sanctions are reparative measures of influence, meaning that they allow for a return to the original state. These sanctions include outsourcing, working hours, work breaks, termination of employment, and fixed-term employment agreements, based on Government Regulation No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment.
b) Employers are required to pay severance pay: In the event of termination of employment, employers are required to pay severance pay and/or long service bonus. This is regulated in Law No. 13 of 2003 concerning Manpower.
c) Consequences of Not Paying Severance Pay: If the employer does not pay severity pay, the worker/laborer can resolve it through bipartite and tripartite negotiations. If this fails, both parties can resolve it through mediation, conciliation, and arbitration.
d) Administrative Sanctions for Unilateral Employers: This sanction is an administrative sanctions that can be applied to employers who unilaterally terminate employment. These sanctions aim to protect workers' rights and avoid the negative impacts of unfair layoffs.

[38] Prabu Kresno, "Konsep 'Welfare State Theory' Memaksimalkan Peran Pemerintah," Kumparan.com, 2018, https://kumparan.com/bathara-kresno/konsep-welfare-statetheory-maksimalkan-peran-pemerintah/1, accessed on Maret 2, 2024.

e) Legislation: Article 151 of Law No. 13 of 2003 concerning Manpower states that employers, workers/laborers, workers/laborers unions, and the government must ensure that termination of employment does not occur. If this happens, the employer is obliged to pay service award money.

Thus, the regulation of administrative sanctions against employers who do not pay severance pay due to termination of employment involves clear and firm laws and regulations, as well as various settlement mechanisms to ensure workers' rights.[39] The administrative sanctions that can be applied to companies that do not pay server pay are as follows:

Table 1: Administrative Sanctions to Employer

Types of Administrative Sanction	Description
Written Warning	Companies can be given a written warning as an initial sanction to request improvements.
Restrictions on Business Activities	Companies that do not pay severance pay may receive restrictions on business activities, which may include a reduction or suspension of some operational activities.
Temporary Suspension on Production Equipment	Companies can also be subject to sanctions such as the temporary suspension of some or all of their production equipment to force the company to fulfills severance pay obligation
Suspension on Business Activities	The final sanction is suspension on business activities, which means the company cannot carry out operational activities until the problem is paid and resolved.

The sanctions in table 1 above are a concept of the form of sanctions that can be imposed on employers. The concept is adjusted based on Government Regulation No. 35/2021 which contains regulations regarding administrative sanctions.[40] However, Government Regulation No. 35/2021 does not regulate that these sanctions can be imposed on employers who do not pay severance pay to workers/laborers who have been terminated. The concept of imposing these sanctions is carried out in stages based on the employer's compliance in complying with the recommendations of the Manpower and Transmigration Service, hereinafter referred to as Disnakertrans. The imposition of the sanctions above does not need to go through a court process like criminal sanctions. So, when there is a report regarding employers who do not pay severance pay to workers/laborers who are laid off to the Disnakertrans, the

[39] Much. Nurachmad, *Cara Menghitung Upah Pokok, Uang Lembur, Pesangon & Dana Pensiun Untuk Pegawai Dan Perusahaan* (Jakarta: Visimedia Pustaka, 2009)

[40] Refer to Article 61 paragraph (1) of the Republic Indonesia, "Government Regulation Number 35 of 2021 Concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment".

Disnakertrans as the labor supervisor can impose administrative sanctions on employers starting with a written warning and a period that must be met to pay the severance pay.

4. Conclusions

Protection for workers who experience termination of employment is crucial because it includes the welfare of workers after the termination of employment. Employment law in Indonesia provides protection in the laws and regulations by regulating severance pay, reward money, and rights that should be received. However, in practice, often many employers do not comply in paying severance pay to workers who experience termination of employment. This needs to be a concern for both the government and law enforcement officers, to make it easier for workers to demand normative rights, especially severance pay. Regulation of administrative sanctions as a form of consequence for employers who do not pay severance pay to workers/laborers who experience termination of employment. Severance pay is a very important right for workers because it guarantees the survival of workers/laborers during the period after termination of employment. In addition, the implementation of administrative sanctions is more under the consideration of the PPHI Law that the PPHI mechanism is fast, precise, fair and cheap. Thus, when compared to mechanisms through litigation or non-litigation such as mediation, administrative sanctions are considered more able to guarantee the fulfillment of the rights of workers/laborers who are affected by termination of employment. In addition, administrative sanctions are the sanctions whose process is faster, more effective and more efficient, and do not require a long time compared to settlement through civil or criminal case settlement.

5. Acknowledgements

I would like to express my gratitude to the Faculty of Law at Universitas 17 Agustus 1945 Surabaya for providing me with a recommendation for a journal, which allowed me to complete the creation of this scientific journal as a substitute for my thesis requirement.

6. Funding (optional)

No funding was received for this study.

7. References

Amelia, Sonia, Ega Permatadani, Ida Ayu Rosida, Rifda Ayu Akmaliya, and Anang Dony Irawan. "Legal Protection for Workers Who Have Harmed Employers." *Indonesia Law Reform Journal* 3, no. 1 (2023). https://doi.org/10.22219/ilrej.v3i1.24464.

Anwar, Mohamad. "Dilema PHK Dan Potong Gaji Pekerja." *Buletin Hukum Dan Keadilan* 4, no. 1 (2020). https://doi.org/10.15408/adalah.v4i1.15752

Bambar, Atanasio Trivaldus. "Pemutusan Hubungan Kerja Secara Sepihak Menurut Undang-Undang Ketenagakerjaan." *JIIP - Jurnal Ilmiah Ilmu Pendidikan* 5, no. 6 (2022): 2035–41. https://doi.org/10.54371/jiip.v5i6.680.

Cahyaningtyas, Vincensia Anindya. "Perlindungan Hukum Terhadap Pekerja Akibat Pemutusan Hubungan Kerja (PHK) Untuk Efisiensi Dalam Perspektif Hukum Ketenagakerjaan." Morality: *Jurnal Ilmu Hukum* 08, no. 2 (2022). https://doi.org/10.52947/morality.v8i1.243

Haikal, Abdi, and Zaeni Asyhadie. "Hak-Hak Dari Pekerja Pkwt Yang Di PHK." *Private Law* 3, no. 1 (2023). https://doi.org/10.29303/prlw.v3i1.2133

Hidayah, Nur Putri, Quincy R. Cloet, and David Pradhan. "The Implementation of Labor Development Principles According to Job Creation Law as a Reason to Protect Wages Rights." *Bestuur* 9, no. 1 (2021). https://doi.org/10.20961/bestuur.v9i1.49252.

Hufron, and Chamdani. *Perlindungan Hukum Pekerja/Buruh Alih Daya*. Surabaya: Jejak Pustaka, 2023.

Isnaeni, Moch. *Pengantar Hukum Jaminan Kebendaan*. Surabaya: Revka Petra Media ,2016.

Kartasapoetra, G. *Hukum Perburuhan Di Indonesia Berdasarkan Pancasila*. Jakarta: Sinar Grafika, 1992.

Khakim, Abdul. *Dasar-Dasar Hukum Ketenagakerjaan Indonesia*. Bandung: Citra Aditya Bakti, 2020.

Kresno, Prabu. "Konsep 'Welfare State Theory' Memaksimalkan Peran Pemerintah." Kumparan.com, 2018. https://kumparan.com/bathara-kresno/konsep-welfarestate-theory-maksimalkan-peran-pemerintah/1.

Kurniawan, Fajar. "Probelmatika Pembentukan RUU Cipta Kerja Dengan Konsep Omnibus Law Pada Klaster Ketenagakerjaan Pasal 89 Angka 45 Tentang Pemberian Pesangon Kepada Pekerja Yang Di PHK." *Jurnal Panorama Hukum* 5, no. 1 (2020). https://doi.org/10.21067/jph.v5i1.4437

Lawendatu, Mario. "Tinjauan Hukum Ketenagakerjaan Tentang Perlindungan Buruh/Pekerja Berdasarkan Undang-Undang Nomor 13 Tahun 2003." *LEX ET SOCIETATIS* 9, no. 1 (2021). https://doi.org/10.35796/les.v9i1.32059.

Lismanto, Lismanto, and Yos Johan Utama. "Membumikan Instrumen Hukum Administrasi Negara Sebagai Alat Mewujudkan Kesejahteraan Sosial Dalam Perspektif Negara Demokrasi." *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020). https://doi.org/10.14710/jphi.v2i3.416-433.

Marchelia, Andria, Dea Apriliani, and Mas Anienda Tien. "Keberlakuan Alasan Pandemi Covid-19 Dalam Dunia Ketenagakerjaan." *Jurnal Hukum Bisnis Bonum Commune* 4, no. 2 (2021): 139–48. https://doi.org/10.30996/jhbbc.v4i2.5148.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group, 2016.

———. *Penelitian Hukum (Revised)*. Jakarta: Kencana Prenada Media Group, 2005.

Nababan, Agung Kristyanto, Muhammad Junaidi, Kukuh Sudarmanto, and Zaenal Arifin. "Keabsahan Materi Muatan Terkait Uang Pesangon Dalam Peraturan Perundang-Undangan." *Jurnal Usm Law Review* 5, no. 1 (2022): 314. https://doi.org/10.26623/julr.v5i1.4808.

Nurachmad, Much. *Cara Menghitung Upah Pokok, Uang Lembur, Pesangon & Dana Pensiun Untuk Pegawai Dan Perusahaan*. Jakarta: Visimedia Pustaka, 2009.

Nuroini, Indi. "Penyelesaian Perselisihan Phk Pasca Berlakunya Undang-Undang Cipta Kerja." *Jurnal Sosial Humaniora Dan Pendidikan* 1, no. 1 (2022). https://doi.org/10.55606/inovasi.v1i1.192.

Pitoy, Jessy Wailan Junior. "Pelanggaran Administrasi Atas Ketentuan-Ketentuan Hukum Di Bidang Ketenagakerjaan." *Lex et Societatis* VII, no. 5 (2019): 105–13. https://doi.org/10.35796/les.v7i5.24729

Rahmawati Kusuma, and AD Basniwati. "Hak Pekerja Yang Mengalami Pemutusan Hubungan Kerja Berdasarkan Peraturan Pemerintah Nomor 35 Tahun 2021." *The Juris* 6, no. 2 (2022): 325–32. https://doi.org/10.56301/juris.v6i2.599.

Randi, Yusuf. "Pandemi Corona Sebagai Alasan Pemutusan Hubungan Kerja Pekerja Oleh Perusahaan Dikaitkan Dengan Undang-Undang Ketenagakerjaan." *Yurispruden* 3, no. 2 (2020). https://doi.org/10.33474/yur.v3i2.6709.

Republik Indonesia. Peraturan Pemerintah Nomor 35 Tahun 2021 tentang Perjanjian Kerja Waktu Tertentu, Alih Daya, Waktu Kerja dan Waktu Istirahat, dan Pemutusan Hubungan Kerja (n.d.).

———. Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang (2023).

Sahetapy, Prilly Priscilia, Fajar Sugianto, and Tomy Michael. "Melindungi Hak Pekerja Di Era Normal Baru." *Adalah: Buletin Hukum & Keadilah* 4, no. 1 (2020). https://doi.org/10.15408/adalah.v4i1.17247

Soepomo, I, H Poerwanto, and S Rachmat. *Pengantar Hukum Perburuhan*. Jakarta: Djambatan, 1995.

Sudarmanto, Kukuh. "Hukum Administrasi Dan Sistem Peradilan Di Indonesia Yang Berkeadilan Sesuai Asas-Asas Pancasila." *Jurnal Ius Constituendum* 6, no. 2 (2021). https://doi.org/10.26623/jic.v6i2.4110.

Sukma Kelana, Dewa. "Perlindungan Hukum Bagi Buruh Dalam Pemutusan Hubungan Kerja Secara Sepihak (Tinjauan Undangundang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan)." *Jurnal Ilmiah Hukum Dan Keadilan* 9, no. 2 (2022). https://doi.org/10.59635/jihk.v9i2.207.

Sunaryo, Sidik. "The Philosophy of Social Injustice for All Indonesian Laborers Set Forth in Job Creation Law." *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2022). https://doi.org/10.22219/ljih.v31i1.25330.

Susanto, Sri Nur Hari. "Karakter Yuridis Sanksi Hukum Administrasi." *Administrative Law and Governance* 2, no. 1 (2019): 126–42. https://doi.org/10.14710/alj.v2i1.126-142

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

Widiastiani, Nindry Sulistya. "Justifikasi Pemutusan Hubungan Kerja Karena Efisiensi Masa Pandemi Covid-19 Dan Relevansinya Dengan Putusan Mahkamah Konstitusi Nomor 19/PUU-IX/2011." *Jurnal Konstitusi 18*, no. 2 (2021). https://doi.org/10.31078/jk1827.

Wijaya, Agus, Solechan, and Suhartoyo. "Analisis Yuridis Pengaturan Pemutusan Hubungan Kerja Dalam Undang-Undang Ketenagakerjaan Setelah Pengesahan Undang-Undang Cipta Kerja." *Dipoenogoro Law Journal 11*, no. 2 (2022). https://doi.org/10.14710/dlj.2022.33437

Wijayanti, Asri. *Hukum Ketenagakerjaan Pasca Reformasi*. 1st ed. Sinar Grafika, 2009.