

# The Evolution of Labour Protection Legislation Following the Enactment of the Labour Creation Act

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## The Evolution of Labour Protection Legislation Following the Enactment of the Labour Creation Act

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**Abstract.** This paper examines the development of labour protection laws in Indonesia following the implementation of the Labour Creation Act No. 11 Year 2020. This research is motivated by the controversy and dispute that emerged due to the changes in employment regulation introduced by the law. The new provisions in this law are believed to have negative effects on workers in terms of their pay, working hours, **12** termination conditions, as compared to the level of protection offered by the Employment Act No. 13 of 2003. This study aims to explore how the legal protection for workers can be maximized following the implementation of the Labour Creation Act. Additionally, it seeks to determine whether joint employment agreements can effectively remedy any deficiencies in the existing legislation. This study employs normative legal research methods, including approaches such as the analysis of legislative regulations, literature review, and case studies. Data is gathered by examining documents and then examined using qualitative methods to determine the effects of regulatory changes on labour protection. Additionally, potential solutions are identified through the use of joint employment agreements. The research findings indicate that the Labour Creation Act generates controversy and conflict between workers and entrepreneurs, particularly on the curtailment of workers' rights. The primary finding of this study is that a collaborative agreement, established in accordance with Article 1338 of the Convention along with Article 1320 of this Convention, can serve as a potent mechanism to rectify the deficiencies in the Creation of Works Act. Nevertheless, a robust and proactive labour union is necessary to guarantee that the agreement offers sufficient safeguards for workers. Hence, enhancing the influence of labour unions and promoting equitable bargaining processes are crucial in attaining a harmonious equilibrium between employers' interests and the safeguarding of workers' rights.

**Keywords:** Joint Labour Agreement, Labour Creation Act, Labour Protection.

### 1. INTRODUCTION

President Joko Widodo formally enacted the Copyright Act on November 2, 2020, which has garnered considerable public interest and sparked a national discourse. The legislation is a component of the government's endeavours to revamp diverse legislative facets about investment and employment in Indonesia. The signing process adheres to rigorous protocols, with the government guaranteeing that all necessary formalities have been fulfilled before to the enactment of the law. The decision was made with the aim of enhancing economic growth and generating employment opportunities, despite facing opposition from multiple stakeholders who are concerned about its potential adverse effects on labour rights and the environment.

On September 2, 2020, the government officially released a complete version of the Labour Creation Act on the setneg.go.id website. The government has implemented transparency measures to facilitate public access and comprehension of the legislation. This

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1,187-page edition incorporates a range of modifications and improvements aimed at streamlining regulation and expediting investment procedures in Indonesia. This upload also allows for the public and various groups to offer their thoughts and feedback on the draft legislation.

The Labour Creation Act was officially adopted by the government on October 5, 2020, following an extensive legislative procedure that included multiple discussions and debates among lawmakers. The approval signifies a significant milestone in the legislative process, as the government and the People's Representative Council (DPR) endeavour to achieve consensus on the several crucial matters governed by the law. President Jokowi's signature in this context serves as the conclusive action that affirms the legitimacy of this law, making it obligatory for all parties involved to implement.

As per the existing legislation, the Indonesian President, Jokowi, is required to sign the bill within 30 days following its adoption by the government and parliament. This deadline falls on November 4, 2020, according to the Indonesian Centre for Bill and Policy Studies (PSHK). If the President fails to sign within the specified time frame, the Labour Creation Bill will be immediately enacted and the cabinet is required to approve it. President Jokowi's prompt approval of the law illustrates the government's dedication to adhering to the existing parliamentary procedures, even in the face of obstacles and criticism from multiple sources.

The enactment of Labour Creation Act No.11 of 2020, also referred to as the omnibus law, on October 5, 2020 by the DPR-RI has sparked widespread protests from diverse segments of Indonesian society. Employees, being the demographic most impacted by the alteration in employment legislation, have emerged as the forefront advocates in opposing measures. The individuals expressed apprehension that the legislation would diminish their entitlements, such as the ability to resign, access to employment insurance, and social safeguards. Additionally, they feared that the bill would exacerbate working conditions by eliminating or lowering previously established provisions that offered them protection.

Furthermore, intellectuals and students actively participated in the protests, expressing their disapproval of the government and parliament's handling of the law. They criticized the lack of transparency and insufficient public involvement in the decision-making process. They evaluate that numerous provisions in this legislation have the potential to harm the natural habitat and infringe upon the rights of indigenous communities. Scholars from diverse fields organize seminars, engage in public discussions, and produce publications to articulate their apprehensions regarding the enduring consequences of this legislation on ecological sustainability and societal welfare.

Civil society organizations, such as NGOs and non-governmental organizations, expressed their opposition to the comprehensive law by organizing protests, submitting petitions, and even initiating legal proceedings in the Constitutional Court with the aim of overturning the legislation. They contend that this comprehensive legislation primarily favours large entrepreneurs and international investors, while disregarding the concerns of small and marginalized populations. In addition, the expedited process of formulating laws with minimal public input further strengthens the perception that the legislation is not intended to serve the best interests of the general populace.

The enactment of the Labour Creation Act has resulted in increasing social and political tensions in different regions. The surge of protests, encompassing a multitude of individuals in both major and minor urban areas, signifies a deep-seated discontentment with the policies implemented by the current administration. Opposition to the omnibus law was not only demonstrated on the streets but also conveyed through social media platforms. Various groups and individuals utilized popular hashtags and digital campaigns to voice their disdain. This scenario exemplifies the contentious nature of this legislation and underscores the significance of engaging in productive discourse between the government and the public to identify an equitable and enduring resolution.

The implementation of Labour Creation Act No. 11 of 2020 has sparked considerable debate due to many key provisions that are seen to have the potential to harm workers and their rights. An important feature is the elimination of the minimum wage, which is perceived as a regressive measure in safeguarding workers' rights. Minimum wages have consistently ensured that workers receive a fair and sufficient salary.

Moreover, the policy on the escalation of overtime also faced severe backlash. Workers experience a hardship and a decrease in their quality of life when they are required to perform more overtime hours without receiving a corresponding rise in compensation. Extended work hours diminish the chances for relaxation and quality time with family, thus leading to adverse effects on the worker's physical and emotional well-being. The implementation of lifetime contracts without assurances of employment stability is a highly delicate matter, as it is perceived to erode job security and compel employees to endure precarious working conditions.

Terminating employment periodically without a clear and justifiable reason also contributes to uncertainty for workers, giving rise to concerns that workers may be terminated arbitrarily without sufficient legal safeguards. Furthermore, diminishing the duration of rest

intervals is a significant concern, as sufficient time for rest is a fundamental entitlement of employees to uphold a harmonious equilibrium between their professional and home lives.

The facilitation of foreign labour recruitment without stringent procedures is also emphasized, as it is perceived to jeopardize employment prospects for the domestic workforce. There is a widespread belief that this strategy has the potential to diminish job opportunities for Indonesian nationals, thereby leading to a rise in the unemployment rate. Additionally, the influx of a significant amount of foreign labour may lead to unhealthy rivalry within the labour market, thereby harming the local workforce with equivalent skills and qualifications.

The effects of these regulations are experienced not only by employees and labourers, but also by the environment and the education industry. A detrimental and volatile work environment can have a profound impact on the overall well-being of a society. Moreover, the presence of ambiguity in employment might impact the decision to invest in education, as individuals and their families may be reluctant to allocate substantial funds towards education expenses in the absence of a secure and predictable income. Hence, the critique of the Labour Creation Act arises not only from the labour force, but also from a diverse array of stakeholders who are concerned about Indonesia's social, economic, and environmental prospects.

The recently enacted Employment Creation Act No. 11 of 2020, often known as the omnibus law, supersedes or eliminates numerous laws that were previously designed to safeguard the rights of workers as outlined in the Labour Law No. 13 of 2003. These modifications have sparked disagreement and apprehension among employees, labour unions, and advocates for human rights. The regulations that have been replaced or abolished pertain to diverse aspects of labour protection, which have consistently served as a crucial basis for the welfare and security of workers in Indonesia.

One notable change is to the elimination of sector-specific minimum salaries and the rigorous regulations governing minimum wage rules outlined in the Employment Act No.13 of 2003. By removing this provision, there is a possibility that workers may get earnings below the previously set benchmarks, resulting in a decline in their purchasing power and overall quality of life. Furthermore, the regulations on redundancies, which are granted as rights to workers upon termination of their job, are subject to substantial modifications, resulting in a reduced amount of redundancy pay for workers compared to previous regulations.

Extended overtime and increased flexibility in scheduling work hours without appropriate additional remuneration are also notable features. The Employment Act No. 13 of 2003 imposes stringent limitations on both overtime work and the corresponding pay to be provided. Nevertheless, the implementation of the omnibus law resulted in relaxed restrictions,

enabling businesses to require employees to work extended hours without substantial enhancements in remuneration. This can adversely affect the health and well-being of workers, while also diminishing long-term productivity.

Another contentious alteration is to the classification of workers as contract employees and the practice of outsourcing. The Employment Act No.13 of 2003 offers safeguards for contractual employees by imposing restrictions on the length of the contract and the nature of the work that can be agreed upon. Nevertheless, the omnibus law relaxes these restrictions, enabling firms to have greater flexibility in recruiting personnel on a contractual basis without stringent time restraints. Contract workers and outsourcers typically lack the same level of job security guarantees and protection as permanent employees, leading to increased job unpredictability and insecurity.

Another notable feature in the omnibus law is the facilitation of international labour recruiting. The Employment Act No.13 of 2003 outlines stringent protocols for the recruitment of foreign workers, which include specific prerequisites that enterprises must fulfil. Nevertheless, due to the implementation of the Omnibus Law, this process has been streamlined, leading to apprehensions that foreign workers may find it easier to enter and assume positions that ought to be occupied by domestic workers. Not only does it pose a threat to job prospects for Indonesian citizens, but it also has the potential to foster detrimental competition within the labour market.

Many people considered the modifications in the omnibus law, which eliminated or revoked certain rules in the Labour Act No.13 of 2003, to be a regression in safeguarding workers' rights. Despite the intended purpose of the Omnibus Law to enhance the investment climate and stimulate economic growth, numerous workers and activists perceived that this was achieved by compromising the well-being and security of workers. The enduring consequences of these modifications are still to be observed, nevertheless, the discontent and apprehensions that currently prevail indicate that fostering a more productive discourse among the government, employers, and workers is imperative in order to achieve a just equilibrium between economic advancement and safeguarding workers' rights.

Employment encompasses more than just creating job opportunities; it also entails guaranteeing the preservation and enforcement of workers' rights during their employment. The Labour Creation Act, while intended to offer clarity and convenience for businesses, particularly by streamlining business licensing regulations to stimulate investment, has generated significant controversy regarding its implications for workers' rights. The government anticipates that streamlining rules and enhancing business procedures would result

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in a substantial surge in investment and the growth of employment. Nevertheless, there is a widespread contention that the primary emphasis of this legislation is to promote the welfare of business owners rather than safeguarding the rights of employees.

The government has implemented regulatory reforms aimed at improving the investment climate by eliminating and modifying laws that were previously perceived as impeding economic progress. Several of these restrictions, once implemented to safeguard workers, have recently been relaxed or even eliminated. For instance, the elimination of industry-specific minimum wages and the introduction of more flexible employment agreements grant businesses greater autonomy, however simultaneously diminish the assurances and stability provided to workers. Workers are currently at risk of experiencing reduced earnings and encountering greater uncertainty in their working conditions.

Additionally, it is crucial to have flexible working hours and provisions for overtime. Eliminating stringent regulations on overtime could potentially result in workers being compelled to work extended hours without receiving sufficient remuneration. It has the potential to diminish the quality of life and well-being of workers, while also raising the likelihood of weariness and other health issues. However, entrepreneurs gain advantages from reduced labour expenses and increased adaptability in overseeing their workforce.

The recruitment of foreign labour is a particularly contentious aspect of the Labour Creation Act. The simplification of procedures for recruiting foreign labour is perceived as a menace to domestic labour, since it may result in the loss of job possibilities owing to competition with international workers. Furthermore, the local workforce may face heightened job insecurity as they contend with foreign labourers who may be willing to accept lower salaries. It generates strain in the job market and might adversely affect social cohesion.

In general, while the Labour Creation Act aims to enhance economic growth and provide new employment opportunities, it does not prioritize the safeguarding and enhancement of worker welfare. The rise of critiques and demonstrations indicates a pressing necessity to achieve a harmonious equilibrium between the interests of employers and the rights of workers. It is imperative for governments to actively participate in a more productive and meaningful conversation with different stakeholders in order to guarantee that economic progress is not attained by compromising the welfare and fundamental rights of workers.



## 2. RESEARCH METHOD(S)

The approach of normative legal study is employed to examine the safeguarding of employees following the implementation of the Labour Creation Act No. 11 of 2020. This normative legal research centres on the examination of literature, legislative rules, and pertinent legal documents to comprehend the modifications introduced by laws and their consequences on workers' rights. This technique allows researchers to assess the congruence between the legal standards stipulated in the Labours Creation Law and the pre-existing principles of labour protection outlined in the Employment Act no. 13 of 2003, as well as the international agreements ratified by Indonesia.

This research commences by conducting an inventory of items within the Copyright Act that alter or substitute the provisions outlined in the Employment Act. A comprehensive examination of legal documents was conducted to discover noteworthy disparities that impact workers' entitlements. These disparities include regulations pertaining to minimum pay, working hours and overtime, employment contract classification, termination of employment relationships, and the ease of hiring foreign labour. Understanding the inventory is crucial for comprehending the extent of the change and its potential impact on the dynamics of employment relations in Indonesia.

Moreover, this normative legal research entails a meticulous examination of the consequences of these modifications. This method employs a qualitative approach to evaluate the influence of new articles on the safeguarding of workers. The researchers conducted a comparison between the requirements of the Labour Creation Act and the labour protection criteria outlined in the International Labour Organization (ILO) treaties that have been officially accepted by Indonesia. This analysis aids in evaluating whether the new legislation aligns with Indonesia's international obligations on labour protection or undermines current protection standards.

In order to enhance normative analysis, the study incorporates case studies and empirical data from several sources, such as reports from labour unions, non-governmental organizations, and field observations since the implementation of the Copyright Act. This empirical data offers an accurate representation of how law changes impact the working circumstances and well-being of workers. Researchers can use carefully chosen case studies to demonstrate the tangible effects of legal changes and identify the difficulties that arise when implementing new laws.

The findings of this normative legal analysis will offer a thorough evaluation of the degree to which the Labour Creation Act effectively accomplishes its goals of enhancing



investment and expanding employment opportunities, while ensuring the safeguarding of workers' rights. The normative and empirical analysis results are anticipated to offer valuable policy recommendations to address existing problematic provisions and suggest specific actions to enhance workers' protection in the future. This research not only advances the field of legal science, but also offers valuable practical guidance for policymakers, businesspeople, and workers to ensure the fair and sustainable implementation of the law.

### **3. FINDINGS AND DUSCUSSION**

The primary objective in enforcing employment legislation is to ensure the protection of all parties involved, with particular emphasis on safeguarding the rights of workers who are generally seen to be in a more vulnerable position within the employment relationship. Employees frequently find themselves in a less advantageous position compared to employers, who possess greater authority and resources. The main goal of social justice is to establish equitable and harmonious working relationships, ensuring the protection of workers' rights and enabling them to work in humane and prosperous conditions.

The essential commonality in the work relationship is that all individuals, whether they are workers or entrepreneurs, are divinely created with inherent human dignity. This implies that every person, irrespective of their social or economic standing, has the right to receive just and respectful treatment. However, there are notable disparities in the social or economic standing between workers and entrepreneurs. Typically, workers rely on the revenue they receive from their employment, while bosses possess authority over the resources and influence in these employment arrangements. It generates an unequal distribution of power that necessitates the implementation of labour regulations to guarantee fairness for all involved parties.

The goal of promoting social justice in the realm of employment can be attained by safeguarding workers against excessive authority wielded by employers. This protection is ensured by a variety of established legal mechanisms, such as statutes, governmental mandates, and employment contracts. These laws are designed to govern many parts of the employment relationship, including salaries, working hours, working conditions, and workers' fundamental rights, in order to prevent worker exploitation and ensure sufficient protection. Through the implementation of transparent and equitable regulations, workers might experience enhanced feelings of security and protection while performing their everyday responsibilities.

The successful implementation of employment law necessitates the active involvement of multiple parties, such as governments, trade unions, employers, and employment regulators.

Governments have a crucial responsibility in developing equitable policies and ensuring their effective execution. Unions act as advocates for workers in their fight for their rights and in helping in cases of unfair treatment. Employers are obligated to adhere to current legislation and establish a work environment that promotes the welfare of their employees. Employment regulators have the responsibility of overseeing and prosecuting employment infractions, guaranteeing the preservation and safeguarding of workers' entitlements. By fostering cooperation and shared dedication among all stakeholders, the objective of achieving social justice in labour relations can be realized, ensuring the provision of robust safeguards and welfare for workers in Indonesia.

The legal framework is one of the significant subsystems in the context of this literature. Legal structure. The legal framework exerts a significant impact on the legal ethos, encompassing the cognitive disposition and conduct of the general populace in their utilization, avoidance, or potential exploitation of the law. If the legal framework fails to effectively administer the legal system, it will result in noncompliance with the law, thereby eroding the principles of the rule of law and justice within society.

The legal system comprises a range of components, including legal institutions, legislative legislation, and law enforcement procedures. The efficacy of legal frameworks is contingent upon the calibre and integrity of the law enforcement infrastructure, encompassing the police, prosecutors, courts, and employment supervisors. Efficient functioning of the law enforcement machinery guarantees equitable and uniform application of the law. Conversely, when there are deficiencies in the legal framework, such as corruption, incompetence, or inadequate resources, certain parties tend to disregard and exploit the law.

A strong legal culture is seen in the demeanour of those who exhibit reverence for and compliance with the law, and possess a firm conviction that the law is equitable and dependable in safeguarding their rights. However, in order to cultivate a positive legal culture, it is imperative that the legal system operates at its highest level of efficiency. Law enforcement agencies must undergo comprehensive training and rigorous supervision to prevent the misuse of authority and guarantee the execution of their responsibilities with utmost honesty and professionalism. Consequently, individuals will possess trust in the judicial system and exhibit a higher propensity to adhere to legal regulations.

An immobile legal framework can give rise to numerous issues, such as non-adherence to the law. This non-compliance may stem from a perception of unfair enforcement or the exploitation of loopholes by irresponsible entities. Hence, the reformation and fortification of legal frameworks are imperative for the establishment of a proficient and equitable legal

system. These actions encompass the integration of legal institutions, the formulation of unambiguous and equitable regulations, and the strengthening of the capability and honesty of the law enforcement apparatus. By establishing a robust legal framework, it is possible to cultivate a favourable legal environment, wherein the law can effectively function as a means to attain justice and maintain social order.

The responsibility of the government to prove itself as a driver of labour empowerment is still not fully realized, especially when faced with the enforcement of the Labour Creation Act, which tends to neglect labour rights. Governments have a crucial role to play in ensuring that policies adopted not only support economic growth and investment, but also protect workers' well-being and basic rights. However, many critics argue that the Labour Creation Act gives more priority to the ease of endeavour for entrepreneurs than to the protection of workers, which leads to dissatisfaction and protests from all sides.

The Labour Creation Act, which aims to simplify regulation and encourage investment, has brought a number of significant changes in the employment sector. However, some of these changes, such as the abolition of sectoral minimum wages, flexibility in employment contracts, and ease in recruiting foreign labour, have raised concerns that workers' rights are no longer top priorities. The amendment is considered to reduce the protection that has been granted to workers through the Employment Act No.13 of 2003, which had previously established clearer and stricter standards of protection.

The failure of governments to fully empower the labour force through fair and balanced policies reflects the challenge of balancing economic interests with social rights. Labour empowerment means not only creating new jobs, but also ensuring that jobs are decent, safe, and provide adequate protection for workers. In this context, policies that focus solely on economic growth without considering social aspects can risk deteriorating working conditions and workers' well-being.

Therefore, government responsibilities should include reviewing and revising existing policies to ensure that workers' rights are not neglected. Governments need to engage in a more inclusive dialogue with workers' unions, academics, and civil society groups to listen to their concerns and find balanced solutions. In addition, the strengthening of employment law enforcement institutions and the enhancement of the capacity of the law-enforcement apparatus are also essential to ensure that workers' rights are protected and injustice can be minimized. Only with a comprehensive and balanced approach can the government truly prove itself to be a real driver of labour empowerment.

The Labour Creation Act does not include provisions that control the prohibition of termination of employment by a firm against a worker, as outlined in the Employment Act. This gives rise to worries as there is a lack of a legal foundation that safeguards workers against arbitrary termination of employment. If workers come across situations described in Article 158 of the Employment Act, which forbids layoffs unless there are valid reasons and proper procedures in place, workers will encounter significant challenges if the company ends their employment without a clear justification or appropriate process.

Furthermore, the Labour Creation Act also introduces the possibility of discrimination against both prospective and current employees. As an illustration, the Labour Creation Act provides businesses with greater flexibility in determining minimum salaries, working time conditions, and the status of employment contracts. However, this increased flexibility might result in unfair treatment of workers. The elimination or modification of these measures previously established in the Employment Act undermined the negotiating power of workers, and the clarity on the safeguarding of their fundamental rights was compromised.

The Labour Creation Act and the Employment Act exhibit disparities in their treatment of several crucial elements, indicating that this new legislation does not adequately address them. Section 93 of the Employment Act ensures that workers are entitled to earn salaries even when they are unable to work due to specific conditions, such as sick leave or other approved leave. Nevertheless, the Labour Creation Act does not specifically govern the entitlement of workers to ongoing salary payments in such circumstances. The lack of these regulations leads to ambiguity and possible financial setbacks for employees who may encounter circumstances where they are unable to work but yet require income to fulfil their living expenses.

The Labour Creation Act, lacking specific requirements for pay and security against termination, creates an opportunity for companies to exploit and lower labour expenses without regard for the well-being of workers. This scenario intensifies the ambiguity for employees, who can perceive a potential risk of unilateral termination or reduction in wages. Hence, it is imperative to promptly reassess and amend this legislation to enhance safeguards for employees, guarantee the non-neglect of their entitlements, and establish an equitable and impartial work environment. It is imperative for governments to implement tangible measures to address these legal loopholes and enhance legislation that safeguard workers from unjust and prejudiced treatment.

According to Article 1338 (1) of the Code of Commercial Law (KUHP), any agreements that are legally made are considered valid and binding for the parties involved. This law establishes that a joint employment agreement between a worker and an entrepreneur in a

company can serve as the primary basis for the employment relationship, rather than solely relying on the requirements of the Labour Creation Act. Despite the changes in employment legislation brought by the Employment Creation Law No. 11 of 2020, the corporation has the ability to create a more advantageous joint labour agreement for the worker by referencing earlier joint work agreements.

It is crucial to highlight that Article 124 of the Employment Act No. 13 of 2003 specifies that joint employment agreements should not contradict the rules of the relevant legislation. The statement underscores the importance of ensuring that joint employment agreements adhere to relevant regulations, such as the Labour Creation Act and its implementing regulations, even if they provide worker rights that surpass those mandated by the Act.

To safeguard workers' rights following the implementation of the Labour Creation Act, it is necessary to establish a Joint Labour Agreement (CTA) that regulates the rights and responsibilities of both employees and employers in an equitable and transparent manner. The CTA should comprehensively address important factors, including pay, working hours, and safeguarding workers' rights, without reducing the existing superior protections. Employers and workers should participate in substantive talks to ensure that the GDP accurately represents the equilibrium of interests and does not undermine the rights that workers have obtained.

To achieve equitable and cooperative industrial relations, agreements regarding GDP should be carried out transparently and with mutual consent from both parties. It is important to motivate workers to actively participate in negotiations and advocate for the preservation or improvement of the rights that have been attained in the previous Gross Domestic Product (GDP). This approach guarantees that modifications to legislation do not result in a decrease in the rights of workers, but instead, foster enhanced safeguarding and welfare for all individuals engaged in the employment relationship.

#### **4. CONCLUSION AND RECOMMENDATION**

The implementation of the Employment Creation Act No. 11 of 2020, which aims to protect post-workers, has revealed several disputes and clashes between employees and corporations. The legislation introduces substantial modifications to employment regulation, raising concerns on the curtailment of workers' rights and the diminished level of protection formerly guaranteed by the Employment Act No. 13 of 2003. This controversy encompasses issues such as salaries, working hours, and termination conditions, which are believed to be harmful to employees in comparison to earlier regulations.

To tackle these concerns, collaborative work agreements can serve as a viable option. According to article 1338 of the Code of Commercial Law, a legally binding agreement made by parties is considered valid as per the law. Additionally, article 1320 of the Covenant governs the terms of the agreement. Based on these provisions, workers and employers have the ability to create joint employment agreements that provide better rights for workers than what is specified in the Labour Creation Act.

However, to establish a lawful and efficient co-working arrangement, workers must possess a robust workers' union. Labour unions serve as advocates for workers during negotiations and ensure the adequate protection of workers' rights. Unions enable workers to actively participate in the bargaining process and ensure that the agreements formulated not only adhere to the law but also offer superior protection compared to the provisions outlined in the Labour Creation Act.

To clarify, utilizing joint employment agreements as a substitute for correcting deficiencies in the Labour Creation Act necessitates the endorsement of a proficient trade union. This agreement must be crafted while considering the interests and rights of workers, in order to eliminate any clauses that may be less advantageous under the new law. Ensuring that changes in employment regulation do not compromise worker protection and well-being, but instead offer legal certainty and enhanced safeguards in the working relationship, is a crucial measure.

## REFERENCES

- Anggraini, Lestari. (2022). *Perlindungan Hukum Hak-hak Pekerjaan dalam Hubungan Ketenaga Kerjaan di Indonesia*. Jurnal PUSDANSI, 2(5).
- Dahwir, Ali. (2020). *Undang-Undang Cipta Kerja Dalam Perspektif Pemikiran Philippe Nonet and Philip Selznick Mengenai Hukum Konservatif*. Jurnal Sol Justicia, 3(2), 165–188.
- Fithri, Nur Hidayatul. (2022). *Kesejahteraan Dan Penerapan Keadilan Bagi Pekerja Dalam Undang-Undang Cipta Kerja Klaster Ketenagakerjaan*. Wijaya Putra Law Review, 1(2), 120–129.
- Iswaningsih, May Linda, Budiarta, I. Nyoman Putu, & Ujianti, Ni Made Puspasutari. (2021). *Perlindungan Hukum Terhadap Tenaga Kerja Lokal dalam Undang-undang Nomor 11 Tahun 2020 tentang Omnibus Law Cipta Kerja*. Jurnal Preferensi Hukum, 2(3), 478–484.
- Maringan, Nikodemus. (2015). *Tinjauan Yuridis pelaksanaan pemutusan hubungan kerja (PHK) secara Sepihak oleh perusahaan menurut undang-undang No. 13 Tahun 2003 Tentang Ketenagakerjaan*. Tadulako University.



4

Sumardi, Didi, Falah, Syamsul, Jauhari, Moh, & Radiana, Aan. (2020). Baitul Mal dan tantangan kemiskinan dampak pandemic Covid-19 perspektif filsafat Hukum Islam. LP2M

8

Susanto, Deny. "PENDEKATAN BUDAYA HUKUM SEBAGAI SUBSISTEM HUKUM DALAM PEMBENTUKAN UNDANG-UNDANG CIPTA KERJA." KOLONI 1, no. 2 (2022): 723-728.

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