

## **Analysis of Ideal Legal Protection for Workers After the Enactment of the Omnibus Law on Job Creation**

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**Abstract.** The influence of globalization in all sectors of people's lives provides a lot of improvements, for instance, economics, technology, and legal developments today. Moreover, the ratification of the Omnibus Law on Job Creation made many changes to labor regulations. The policy of enacting this law is considered detrimental because it reduces protection for workers. Furthermore, there are a number of articles that were deleted and not enforced, such as articles 161, 164, 165, 167 of Law No. 13 of 2003 which are not siding with local workers after the ratification of the Omnibus Law on job creation. In addition, there are several articles in the Job Creation Law that are not in accordance with the contents of article 4 of the Labor Law concerning the protection of workers. Therefore, in their claim on Labor Day, workers declined the Omnibus Law on job creation. By using juridical methods and secondary data, this study will analyze the ideal form of legal protection that the government should provide to workers after the ratification of the Omnibus Law on Job Creation. By guaranteeing legal protection for Workers to get wages until retirement and cannot be sacked unilaterally, especially with foreigners, for this reason, special rules are needed to regulate the protection of workers, especially regarding articles that were deleted after the ratification of Omnibus Law was done. So, workers feel protected and their welfare is guaranteed according to the mandate of the 1945 Constitution.

*Keywords: Guarantees, Manpower, Employment Omnibus Law, Legal Protection.*

## **INTRODUCTION**

The era of globalization has caused a lot of changes in all sectors of life, both in terms of technology and the economy which indirectly has an impact on the legal field. Moreover, many new rules are needed to regulate new policies that are in accordance with the times. A lot of regulations are no longer relevant today, therefore many improvements must be made in order to reach every side of life. It motivated the government to make the transplant of the omnibus law regulation. In his speech, President Jokowi identified at least 74 laws that were affected by the omnibus law. The most prioritized regulations for discussion in the DPR are the economic sector, such as, the tax law, job creation and UMKM empowerment [1]. The presence of a number of new regulations is expected to be effective in supporting the development of the nation. However, the discourse of these laws is not immediately well received by the public, especially the omnibus law on job creation. The workers gave strong protests, both in writing and in large-scale demonstrations on Labor Day. In the demonstration commemorated International Labor Day (May Day) in May 2022, there were

four labor organizations, such as, the Labor Party, the Confederation of All Indonesian Workers Union (KSPSI), the Confederation of Prosperous Indonesian Trade Unions (KSBSI), and the Confederation of Indonesian Trade Unions (KPBI) who participated in voicing the rejection of the omnibus law on job creation[2].

A number of people reject this because of the loss of a number of articles in some of the bills which will cause huge losses. For example, articles 161, 164, 165, 167 of Law No. 13 of 2003 concerning employment that are considered beneficial to workers are lost and replaced with new articles of the Job Creation Law[3]. The government considers the article to be able to increase economic growth and investment for the country but not for workers.

Workers are one of the most important parts of the state in economic growth, so their rights and obligations need to be protected by the state. As mentioned in article 1 point 2 of Law No. 13 of 2003 concerning labor. Labor is anyone who is able to do work to produce goods and services, both for themselves and others. It is part of the worker who has done work, either working for themselves and an employment relationship or under the employer's order (company, entrepreneur, legal entity and other entity).

Therefore, the existence of government policies in drafting the omnibus law on job creation law has become a polemic in the community, especially workers. The term omnibus is a new thing in Indonesian law. Omnibus is derived from the Latin *omnis* which means for everything. The term, which is also called an omnibus bill, is a method or concept to make regulations that combine several rules with different regulatory substances into one regulation under one law. This means that the omnibus law is cross-sectoral which is interpreted as "sapu jagad law"[4].

The omnibus law has never been implemented in Indonesia but has been widely practiced in other countries, which has varying degrees of success. In the history of law, omnibus law is a law that is applied in Common Law countries, such as America, which has adapted omnibus law for a long time. However, can omnibus law be applied in a civil law system country like Indonesia? Civil Law and Common Law are two different legal systems. The legal system, according to Satjipto Rahardjo in his book, includes elements, such as, structures, categories, and concepts[5]. From its structure, Common Law (Anglo Saxon) is based on court decisions as its legal source. Meanwhile the legal system of Civil Law (Continental Europe) adheres to the codification of law as the main source of law, as happened in mainland European countries and their colonies.

The draft of Omnibus Law on job creation which was ratified and signed by President Joko Widodo on November 2nd, 2020 and became Law No. 11 of 2020 which consists of 79 law with 15 chapters and 174 articles that address 11 clusters[6] has rejected by the Constitutional Court (MK). It decided that this law was unconstitutional because its elements were not in accordance with the 1945 Constitution. Moreover, Omnibus Law was not legally binding conditionally as long as it is not interpreted. Furthermore, the Constitutional Court gave time for the implementation of omnibus law on job creation until 2023 to be revised, if it has not been done then this law will be revoked.

This is a breath of fresh air for workers because improvements and changes articles in the omnibus law on job creation are not considered to provide protection for workers. Nevertheless, the Government argues that this law was made for the benefit of society in accordance with the mandate of the 1945 Constitution. Reform the rules through the omnibus law is one form of strategy to be investment-friendly and reduce the unemployment level in Indonesia.

Article 86 section (1) of Law Number 13 of 2003 concerning labor states that every worker has the right to obtain protection for morals and decency; and treatment in accordance with human dignity and values as well as religious values.

Legal protection for workers includes the freedom to improve their standard of living, prevent a reduction in purchasing power by workers, protect the right to work and income as a result of an accident at work, either due to illness or death. The Job Creation Law is a product of legal regulations by initiative of the government and the DPR to deregulate and bureaucratic regulations using the Omnibus Law method to invite investors to invest in the country. The government heard rumors that investors are reluctant to invest in Indonesia because of unclear and unsettled regulations, overlapping, convoluted bureaucracy and rigid labor regulations[7].

However, the ratification of the Omnibus Law on Job Creation is not considered to meet the elements of protection needed for workers. Employers (companies, entrepreneurs, legal entities or other entities) must treat workers well and provide severance pay when workers have served a long time and have good behavior then ask to leave work even though it is not stated in the agreement[8]. As explained in Article 161 section 3 of Law No. 13 of 2003 concerning worker, Workers/laborers who has termination of employment for the reasons as referred to in section (1) shall receive severance pay in the amount of 1 (one) time as stipulated in Article 156 section (2), service award money of 1 (one) time as stipulated in Article 156 section (3) and compensation for entitlements in accordance with the provisions of Article 156 section (4). On the other hand, in the Omnibus Law on Job Creation, the provisions for providing severance pay to workers are abolished.

This is detrimental to the workers so they reject the omnibus law on job creation and hope that this regulation is abolished and changed into a regulation to provide protection for workers. Based on these facts, in this study the author wants to analyze the form of legal protection for workers after the ratification of the Omnibus Law on Job Creation.

The author took this theme because in previous studies it explained the forms of legal protection for workers according to state administrative law or legal protection for workers in Law 11 of 2020 concerning job creation. The author wants to focus on the ideal form of legal protection for workers after the ratification of the Omnibus Law on Job Creation. Furthermore, in the discussion, there will be a comparison between the labor law and the job creation law.

## **LITERATURE REVIEW**

The Omnibus Law on job creation was legalized and signed by President Joko Widodo on November 2nd, 2020 became Law No. 11 of 2020. The term omnibus is a new thing in the legal field in Indonesia. Omnibus is derived from the Latin *omnis* which means for everything. The term, which is also called an omnibus bill, is a method or concept of making regulations that combines several rules with different regulatory substances into one regulation under one law.

The Omnibus Law has its own characteristics with the substance of the material combining various cross-sectoral issues, cross-regulations, improvements, rearranges, or deletes articles that are considered to be hampering or inconsistent with their goals. In the Prolegnas, the government will initiate at least 5 (five) bills, such as the Job Creation Bill, the UMKM Bill, the Pharmaceutical Bill, the Tax Provisions and Facilities Bill for Economic Strengthening, and the State Capital Bill.

In his speech, President Jokowi identified at least 74 laws that were affected by the omnibus law. The regulations that are most targeted to be discussed in the DPR are the

economic sector, such as the tax law, job creation, and empowerment of UMKM[9]. The framework and purpose of the government is making a bill that can touch other laws to address the challenges of the slow growth of the global economy, to mitigate the potential of Indonesia's economic stagnation and optimize investment competitiveness.

DPR RI ratified the draft Omnibus Law on Job Creation into Law Number 11 of 2020 concerning Job Creation (UU Ciptaker or UU CK) through its 7th plenary session on October 5th, 2020. Creating jobs, increasing foreign investment in the country by reducing the requirements and regulations for business licensing and land acquisition are one of the goals of the ratification of Law Number 11 of 2020 concerning Job Creation which contains 1,187 pages[10]. The Job Creation law is expected to be part of efforts to restore the national economy, especially in encouraging economic transformation in order to be able to create new jobs for the community. The purpose of the Law on Job Creation create employment opportunities as wide as possible for the people of Indonesia equally throughout the territory of the Republic of Indonesia[11].

In the Omnibus Law technique, the Government realizes around 80 laws and more than 1,200 articles can be revised at once with only one Job Creation Law that regulates multi-sectors. The Job Creation Law is useful for improving the investment atmosphere and creating legal certainty. Eleven clusters contained in the Job Creation law are Simplification of Licensing, Employment Investment Requirements, Land Acquisition, Facility of Business Support for Research and Innovation, Government Administration, Imposition of Convenient Sanctions, Empowerment and Protection of UMKM Investment and Government Projects in Economic Zones[12].

However, the ratification of Law No. 11 of 2020 concerning job creation caused a lot of protests in various communities because it was not in accordance with the government's goal to protect workers but on the contrary. As a result, this law has an unconstitutional status by the Constitutional Court until it is amended until 2023. For this reason, the author wants to examine the ideal form of protection for workers after the ratification of the Omnibus Law on Job Creation.

## **METHOD, DATA AND ANALYSIS**

### **1. Method and Type of Research**

The research "Analysis of the Ideal Legal Protection for Workers After the Ratification of the Omnibus Law on Job Creation" is descriptive with normative juridical research. The study is conducted on the laws and regulations which contain the problems and how to implement the provisions in daily lives.

### **2. Types of Data, Data Sources and Data Collection Techniques**

The data needed in this study is secondary data. Secondary legal materials were obtained from library study, such as, laws, books, theses and other literature. In addition, data collection was done to the tertiary legal materials by conducting news searches on both printed and online media.

### **3. Analysis**

Analysis of the data obtained by qualitative analysis with empirical normative aspects through descriptive analysis methods which describe the description of the data obtained and relate to each other to get a general conclusion. From the results of the analysis, it can be obtained inductive conclusions, which are ways of thinking in taking general conclusions based on specific facts[13].

## **RESULT AND DISCUSSION**

## **1. Comparative Relationship between Law No. 13 of 2003 concerning Worker and Law No. 11 of 2020 concerning Job Creation**

The presence of the Omnibus Law on Job Creation created a lot of controversy in various communities. The existence of this law brings changes to business entities and workers because there are a lot of improvements to the rules in this law. The government prepared the Job Creation Law with the omnibus law concept to be used as a scheme to build the economy so that it is able to attract investors to invest in Indonesia.

Focus of the Job Creation Law is made to be more global for economic growth in the investment sector. By having several clusters, including Simplification of Licensing, Employment Investment Requirements, Land Acquisition, Facility of Business Support for Research and Innovation, Government Administration, Imposition of Convenient Sanctions, Empowerment and Protection of UMKM Investment and Government Projects in Economic Zones.

This improvement is also made to the employment cluster, the government seeks to harmonize several laws that overlap and result in losses, especially for workers. First, UU 13/2003 concerning employment, Second UU 40/2004 concerning the System of National Social Security, and Third UU 24/2011 concerning Social Security Administrators. However, it is not balanced with a regulatory substance that is able to avoid conflicts that have occurred so far, including changes in leave, severance pay and others. These changes further narrow the space for workers to fight for their rights[14].

A lot of regulations aimed at protecting workers' rights in the Employment Law 2003 were replaced or even abolished. Instead of creating decent jobs for workers, the Job Creation Law is considered to make the conditions of workers more vulnerable and uncertain.

Based on Article 3 of Law Number 11 of 2020 concerning Job Creation, it is stated that this Law aims to create jobs for all Indonesian people by:

1. Create and increase employment
2. Provide convenience, protection for MSMEs and cooperatives
3. Ensuring every citizen gets a job
4. Improvement of the investment ecosystem

existence of the Job Creation Law Number 11 of 2020 improves the quality of workers in Indonesia so that they can adapt to the current Industrial Revolution, which is the Industrial revolution 4.0 while other developed countries such as Japan have initiated new concepts such as Society 5.0. At least, the workers are expected to be able to adjust so that our competitiveness in the eyes of the international community will increase.

Changes in the Employment System in Law Number 11 of 2020 concerning Job Creation from Law Number 13 of 2003 concerning labor: First Wages, Article 88 amended; article 89 is deleted; addition of articles 88B, 88C, 88D Regency/city and sectoral minimum wages are removed. The minimum wage is determined from the provincial minimum wage set by the governor. The addition of articles 88E and 90B provisions on minimum wages for micro and small businesses and labor-intensive industries are regulated separately. Both work contracts and outsourcing, Article 59 is removed the previous provisions that limit contract workers or a certain time work agreement (PKWT) to work outside the main activity or production process directly and temporarily (maximum 3 years) is removed. Contract workers can be done in all types of work and without time limits. Articles 64, 65 are deleted; Article 66 is amended the previous provisions that limit work chartering and outsourcing workers to work outside the main activity or production process directly removed. All types of work including main activities can use outsourcing workers[15].

However, in this study, the author will focus on the omissions and changes to articles 161, 164, 165, 167 of Law No. 13 of 2003 concerning employment (UUK). Article 161 of the UUK states: (1) If a laborer violates the provisions stipulated in the work agreement, company regulations or employment contract, the entrepreneur may terminate the employment relationship, after a laborer is given the first, second, and third warning letters in a row. Meanwhile, the Job Creation Law abolishes severance pay for laborers who have been laid off because of a warning letter. Whereas Article 161 of the Employment Law states that laborers who are laid off because they receive a warning letter have the right to receive severance pay[16].

In addition, Articles 164 and 165 of the UUK stipulate that laborers who are laid off because the company is bankrupt, will get severance pay. Article 166 of the UUK regulates the rights of workers' families or workers. If the worker dies, the company must give money to the heirs. Furthermore, article 167 of the UUK regulates severance pay for laborers who have been laid off due to be in the retirement age. Meanwhile, in the Employment Creation Law, the government has abolished the Employment Law articles 164 and 165 in the Job Creation Bill. Therefore, laborers who are laid off because the company is bankrupt, will not receive severance pay and will remove compensation, such as severance pay for their heirs or families if the worker dies. The Employment Creation Law has also abolished Article 167 of the UUK which regulates severance pay for laborers who have been laid off because they are in the retirement age and compensation such as severance pay, the right of tenure award and compensation for the heirs left behind.

In addition, Article 167 subsection (5) of the UUK also stipulates employers do not include laborers who terminate employment due to retirement age in the retirement program, the company must provide workers with severance pay of 2 (two) times of the provisions of Article 156 subsection (2), reward for 1 (one) tenure as mentioned in Article 156 subsection (3) and compensation for entitlements in accordance with the provisions of Article 156 subsection (4). However, the Employment Creation Law abolishes criminal sanctions for companies that do not include laborers in the retirement insurance program by removing Article 184 of the employment Law which states "Whoever violates the provisions as referred to in Article 167 subsection (5), I will be sentenced to at least one year in prison and a maximum of 5 (five) years and or a minimum fine of Rp. 100,000,000.00 (one hundred million rupiah) and a maximum of Rp. 500,000,000.00 (five hundred million rupiah)".

According to the author, this is detrimental to workers because there is no guarantee for workers to be able to increase their employment status to permanent and receive severance pay if they have worked in a company for a long time. However, the existence of the Job Creation Law removes these points, making workers feel disadvantaged and unprotected until their old age as workers.

The Job Creation Law is considered to prioritize foreign workers, because it removes a number of requirements for foreign workers who want to work in Indonesia. Therefore, local workers lose competitiveness and can be evicted by competitive workers. Although the government's goals are both to promote investment growth and increase global competitiveness for workers so that they can improve their skills and not be inferior to foreign workers.

Improvement of the business system is very important in efforts to grow the national economy, but the welfare of workers also needs to be studied in the Job Creation Law. The company will be difficult to develop if there is an imbalance between entrepreneurs as owners of capital and workers as human resources. Having reliable and productive workers, the company will be a healthy company. One of the factors that encourage worker

productivity to increase by increasing the welfare of workers through the rights which are regulated in the Job Creation Law[17]. Even though the government offers a form of social security managed by BPJS for workers, it is considered not enough with the number of points removed in the employment law. Thus, workers feel that they are not protected by the government and the government's goal in ratifying the Job Creation Law is considered for the interest of the political elite.

## **2. Ideal Form of Legal Protection for Workers**

Legal protection for workers is something that has been regulated by the Government, which is inherent and protected by the constitution as stipulated in Article 27 subsection (2) of the 1945 Constitution of the Republic of Indonesia, which mentions that Every citizen has the right to work and a decent life for humanity. With comprehensive protection, not only job security but also economic income which is also regulated in Article 33 subsection 1 which states that the economy is structured as a joint effort for kinship.

Protection of workers is aimed at guaranteeing workers' rights and ensuring equal opportunity and treatment without discrimination on anything in order to realize the welfare of workers and their families while taking into account the progress of the business world and the interests of entrepreneurs to realize the welfare of workers in accordance with the mandate of the 1945 Constitution[18].

The role and function of law as a regulator and legal protection of the public interest is essential. Moreover, the law is a tool that can be used as a reference to protect society, which the State of Indonesia is a state law. Therefore, every action of society and the government must be based on the law.

However, the rights and obligations of citizens must be guaranteed in carrying out their activities by providing legal protection. In addition to a socio-economic perspective, workers need legal protection by the state against the possibility of arbitrary actions from employers[19]. One of the protections in working to support the government to realize economic development as one of the ideals of the State at this time, by providing protection to workers in realizing prosperity.

The protection of laborers according to Law No. 13 of 2003 concerning worker guarantee the basic rights of laborers and ensuring equal opportunity and treatment without discrimination on anything to realize the welfare of workers and their families while taking into account the progress of the business world.

In other words, the employment Law in each article pays attention to the protection of individual and family workers for the development of the State. The scope of protection for workers provided and regulated in Law No. 13 of 2003 concerning employment, among others:

a. Protection of workers' basic rights. The objects of this protection are as follows:

- 1) Protection of female workers Protection of female workers is related to the working time limit for those who are less than 18 (eighteen) years old, as regulated in Article 76 subsection (1) of the employment law; Prohibition of working for pregnant women for certain hours, which has also been regulated in Article 76 subsection (2) of the employment law; Terms and conditions that must be done by employers when employing women between 23.00 and 07.00 in accordance with Article 76 sub section (3) of the employment law; Employers are required to provide shuttle transportation for those who work between 23.00 and 07.00, as well as a form of protection regulated in Article 76 subsection (4) of the employment law.

- 2) The employment law has also regulated the protection of child laborers, namely they or any person who works under the age of 18 (eighteen) years, as regulated in Article 1 point 26 of the employment law. Protection of child workers includes matters or provisions concerning procedures for employing children, as regulated in Article 68, 69 subsection (1) and (2), Article 72, 73 and 74 subsection (1) of the Employment Law.
- 3) Article 76 subsection (1) of the Employment Law regulates protection for persons with disabilities. If employers employ workers with disabilities, they are obliged to provide protection according to the type and degree of disability, such as providing accessibility, providing work equipment and personal protection.

b. The Employment Law regulates the protection of occupational safety and health which is one of the rights of workers or laborers as regulated in the provisions of Article 86 subsection (1) the Employment Law. This protection aims to protect the safety of workers in order to achieve optimal work productivity by preventing accidents and occupational diseases, controlling light in the workplace, health promotion, treatment and rehabilitation.

c. As one of the polemics, when the government said that would provide more social security in the provisions of the Job Creation Law. However, in fact, the protection of the Social Security for Workers has also been stated in Article 88 subsection 1 of the Employment Law that every worker has the right to earn an income that gives a decent living for humanity. Therefore, the amount of income of workers from the results of their work so that they are able to properly afford the life necessities of workers and their families, such as, food and drink, clothing, housing, education, health, recreation and old-age insurance.

These forms of protection are considered important for workers today, if something is missing it makes workers disappointed and does not feel legally protected. Meanwhile, in the job creation law, the government focuses more on vertical protection by protecting business entities, UMKM or cooperatives. Furthermore, investment and economic growth are going well, which is expected to have an impact on the protection of workers. As explained in the Job Creation Law, it is necessary to adjust various regulatory aspects related to the convenience, protection, and empowerment of cooperatives and micro, small and medium enterprises, improvement of the investment ecosystem, and acceleration of national strategic projects, including increasing protection and welfare of workers. For this reason, it is necessary to take policies and strategic steps on job creation that require the involvement of all relevant parties, and for this it is necessary to formulate and stipulate a law on job creation. It aims to create the widest possible employment for the people of Indonesia evenly throughout the territory of the Republic of Indonesia in order to fulfill the right to a decent life[20].

One of the forms of worker protection is the creation of employment opportunities through regulations related to increasing worker protection and welfare for workers with certain working time agreements, protection of employment relations for work based on outsourcing, protection of decent work needs through minimum wages, protection of workers who are fired, and ease of licensing for foreign workers who have certain skills that are still needed for the process of producing goods or services. Employment creation carried out through regulations related to the convenience, empowerment, and protection of UMKM at least contains regulations regarding: ease of establishment, member meetings, and cooperative business activities, and criteria, single database, integrated management, ease of Business Licensing, partnerships, incentives, and UMKM financing[21]



The form of protection regulated in the Job Creation Law is global, not individual, because it focuses on protecting business entities, UMKM or Cooperatives as a forum to provide employment for workers. So the concept of protection between the Employment and the Job Creation Law is different in focus. This is what makes workers disapprove of the Job Creation Law because it does not focus on individuals and gives flexibility to foreign workers.

Thus, the authors assess that the ideal form of legal protection for workers is in accordance with the 1945 Constitution, namely, the fulfillment of the rights and obligations of workers in order to create welfare for workers, business entities and their families by prioritizing good working relationships between business entities and their workers. The working relationship cannot be separated from the work agreement made by the parties. The rights and obligations set out in the agreement must be carried out as well as possible without one of the parties committing a violation.

In Law no. 13 of 2003 concerning Employment, stipulates the employment relationship between Workers and Companies in the form of an Employment Agreement, Unspecified time work agreement (PKWT), Certain Time Work Agreement (PKWTT), Company regulations, Collective labor agreement, Chartering Agreement, Work protection aim to ensure the continuity of the employment relationship system without being accompanied by pressure from the strong party to the weak party. Juridically in Article 5 of Law Number 13 of 2003, which provides protection that every worker has the right and has the same opportunity to obtain a job and a decent living without distinguishing gender, ethnicity, race, religion, and political flow according to interests. and the ability of the worker, including equal treatment of persons with disabilities[22]. Then, it is further explained in Article 6 of Law Number 13 of 2003, requiring employers to give rights and obligations to workers or laborers without distinction of gender, ethnicity, race, religion and political choice. The scope of protection for workers includes: 1. Protection regarding wages, welfare, social security for workers; 2. Protection of work safety and health; 3. Legal protection to establish and become a member of a labor organization; 4. Protection of the basic rights of laborers for negotiation. By focusing on work agreements so that each party can fulfill their rights and obligations with the existence of various regulations set wages, working hours, leave/holidays, occupational health and safety, labor organizations and others. In addition, social security programs in the field of employment are also organized, which include social and health insurance as regulated in Law Number 24 of 2011 concerning the Social Insurance Administration Organization (BPJS)[23]. As discussed in Law No. 11 of 2020 concerning Job Creation, but other points should not be changed or deleted.

However, the ideal form of protection is protection based on an agreement between parties, business entities and workers to fulfill all their rights and obligations so that working relationships can be established properly and prosperity will be achieved. So, it is not only focused on business entities but between business entities and individuals who must cooperate with each other in fulfilling their rights and obligations in accordance with the mandate of the 1945 Constitution. Thus, the author considers the form of protection described in Law No. 13 of 2003 concerning employment to be more concrete, although it must be added. a few points. Furthermore, new regulations on labor protection are needed that cover many things, such as wages, social security, retirement, improving the skills of local workers and protection for business entities in order to attract investment and grow the country's economy to achieve mutual prosperity.

## **CONCLUSION**

Legal protection is a right and obligation that must be obtained for workers and business entities to ensure equal opportunity without discrimination on any basis to realize the welfare of workers in accordance with the mandate of the 1945 Constitution. Not surprisingly, the rules related to legal protection have been regulated in Article 27 subsection 2 of the 1945 Constitution. Every citizen must be protected by law due to Indonesia being a state of law.

However, the ratification of the Omnibus Law on Job Creation created a lot of protests in various communities, especially labor due to detrimental effects. Moreover, a lot of articles have been deleted or replaced from Law No. 13 of 2003 concerning employment, such as, articles 161, 164, 165, 167 of Law No. 13 of 2003 concerning employment (UUK) which contains wages, pension funds, social security, family security and guarantees to work until old age. In contrast, the Job Creation Law is global not individually, which focuses on protecting business entities, UMKM or Cooperatives as a forum to provide employment for workers and increase investment.

The ideal form of protection is protection based on an agreement between parties, business entities and workers to fulfill all their rights and obligations so that good working relationships can be established and prosperity is achieved. So, it is not only focused on business entities but between business entities and individuals who must cooperate with each other in fulfilling their rights and obligations in accordance with the mandate of the 1945 Constitution. Thus, the author considers the form of protection described in Law No. 13 of 2003 concerning employment to be more concrete, although it must be added. a few points. Furthermore, new regulations on labor protection are needed that cover many things, such as wages, social security, retirement, improving the skills of local workers and protection for business entities in order to attract investment and grow the country's economy to achieve mutual prosperity.

## SUGGESTION

The Law No. 13 of 2003 concerning employment has provided sufficient protection for workers and has included elements of a work agreement that need to fulfill the rights and obligations between both parties (business entities and workers). Therefore, the presence of the Omnibus Law on Job Creation with all its objectives is not suitable for Indonesian workers. Thus, the author hopes that the government will revise the Job Creation Law by adding articles that take sides and provide protection for workers to get welfare without overthinking globally.

## REFERENCES

- [1] Muhammad Idris, "Masih bingung Apa Itu Omnibus Law", <<https://money.kompas.com/read/2020/02/18/160300026/masih-bingung-apa-itu-omnibus-law?page=all>>, diakses dari Kompas.com, 18 Mei 2020.
- [2] Ahmad Naufal Dzulfaroh, "18 Tuntutan Buruh Dalam Demo May Day Hari Ini Apa Saja?", <<https://www.kompas.com/tren/read/2022/05/14/134500265/18-tuntutan-buruh-dalam-demo-may-day-hari-ini-apa-saja-?page=all>>, dikases 22 Juli 2022.
- [3] Sapariah Saturi, "Horor RUU Cipta Kerja, Dari Izin Lingkungan Hilang Sampai Lemahkan Sanksi", <[www.Mongabay.co.id/2020/02/14/horor-ruu-cipta-kerja-dari-izin-lingkungan-hilang-sampai-lemahkan-sanksi-hukum/amp/](http://www.Mongabay.co.id/2020/02/14/horor-ruu-cipta-kerja-dari-izin-lingkungan-hilang-sampai-lemahkan-sanksi-hukum/amp/)>, diakses 12 Juni 2020.

- [4] Sri Humana dkk, 2020, *Peran DATUN Kejaksaan Terhadap RUU Omnibus Law*, (Jakarta : Puslitbang Kejaksaan RI), p. 2.
- [5] Rahardjo Satjipto, 1991, *Ilmu Hukum*. Bandung: PT Citra Aditya Bakti, p. 235.
- [6][6] DPR RI, “UU Ciptaker Hadir Untuk Indonesia Lebih Maju”, <[https://www.dpr.go.id/berita/detail/id/30590/tUU+Ciptaker+Hadir+Untuk+Indonesia+lebih+Maju#:~:text=Anggota%20Badan%20Legislasi%20\(Baleg\)%20DPR%20RI%20Guspari%20Gaus%20mengatakan%20bahwa,akan%20dapat%20meningkatkan%20iklim%20investasi](https://www.dpr.go.id/berita/detail/id/30590/tUU+Ciptaker+Hadir+Untuk+Indonesia+lebih+Maju#:~:text=Anggota%20Badan%20Legislasi%20(Baleg)%20DPR%20RI%20Guspari%20Gaus%20mengatakan%20bahwa,akan%20dapat%20meningkatkan%20iklim%20investasi)>, diakses 22 Juli 2022.
- [7] Fitri W dan Hidayah L, 2021, *Problems with the Law on Job Creation in Indonesia: A Perspective Study of Legislation*, Journal of the Yustisia Community, Vol 4 No. 2, 2021. PP.725-735. DOI:<https://doi.org/10.23887/jatayu.v4i2.38719>.
- [8] Djumaldji, 1977, *Perjanjian Kerja*, Bina Aksara, Jakarta, p. 6.
- [9] Muhammad Idris, “Masih bingung Apa Itu Omnibus Law”, <<https://money.kompas.com/read/2020/02/18/160300026/masih-bingung-apa-itu-omnibus-law?page=all>>, diakses dari Kompas.com, 18 Mei 2020.
- [10] Catur JS, Djongga, Heriyandi, Herry Poerwanto, Jelita Hutasoit, Khairul Anam, Bambang Wiyono, 2020, *Legal Protection of Workers' Welfare through Law Number 11 of 2020 concerning Job Creation*, Lex Specialis Journal Vol 1 No. 2, 2020, pp. 178-188. DOI: <http://dx.doi.org/10.29303/ius.v8i1.752>.
- [11] Detikfinance, “Omnibus Law, Pengertian, Tujuan dan Manfaatnya”, <<https://finance.detik.com/berita-ekonomi-bisnis/d-5971850/omnibus-law-pengertian-tujuan-dan-manfaatnya>>, diakses 25 Juli 2022.
- [12] Kemendikbud, 'Booklet Omnibus Law Cipta Kerja', <https://dikti.kemdikbud.go.id/wp-content/uploads/2020/10/Booklet-UU-Cipta-Kerja.pdf>, diakses 25 Juli 2022.
- [13] Soerjono Soekanto. 1986 *Pengantar Penelitian Hukum*, (Jakarta : Universitas Indonesia Press. p 112.
- [14] Matompo, OS dan Iziziyana, W, Vivid, 2020, *The Omnibus Law Concept and Problems with the Job Creation Bill*, *Rechtsstaat Nieuw* Vol 5 No 1, 2020, PP 22-29. DOI : <https://doi.org/10.52429/rn.v6i1>.
- [15] May Linda Iswaningsih, I Nyoman Putu Budiarta, Ni Made Puspasutari Ujianti, *Legal Protection for Local Workers in Law Number 11 of 2020 concerning the Omnibus Law on Job Creation*, Journal of Legal Preference Vol 2, No.3, 2021. Pp. 478-484. DOI: <https://doi.org/10.22225/jph.2.3.3986>.
- [16] Disnakertrans, “Perbedaan UU Ketenagakerjaan Dengan RUU Omnibus Law”, <<https://disnakertrans.ntbprov.go.id/perbedaan-uu-ketenagakerjaan-dengan-ruu-omnibus-law-cipta-kerja/>>, diakses 26 Juni 2020

[17] Catur JS, Djongga, Heriyandi, Herry Poerwanto, Jelita Hutasoit, Khairul Anam, Bambang Wiyono, *Legal Protection of Workers' Welfare through Law Number 11 of 2020 concerning Job Creation*, Lex Specialis Journal Vol 1 No. 2, 2020, pp. 178-188. DOI: <http://dx.doi.org/10.29303/ius.v8i1.752>

[18] Heru Suyanto, Andriyanto Adhi Nugroho, *Legal Protection of Outsourcing Workers' Rights Based on Justice Principles*, Juridical Journal Vol 3 No 2, 2016. Pp.1-14. DOI: <http://dx.doi.org/10.35586/.v3i2.179>

[19] Asri wijayanti, 2009, *Hukum Ketenagakerjaan Pasca Reformasi*, Jakarta; Sinar Grafika, p. 49

[20] Undang-Undang No 11 Tahun 2020 tentang Cipta Kerja.

[21] Undang-Undang No 11 Tahun 2020 tentang Cipta Kerja

[22] Suhartoyo, *Legal Protection for Workers in the National Labor Law System*, Administrative Law & Governance Journal. Volume 2 Issue 2, June 2019, Pp. 326-336. DOI: <https://doi.org/10.14710/alj.v2i2>.

[23] Ngabidin Nurcahyo, *Legal protection of labor based on the laws and regulations in Indonesia*, Journal of Legal Cakrawala, Volume 12 No. April 1, 2021, pp 69-78. DOI: <https://doi.org/10.26905/idjch.v12i1.5781>.