

## **Analysis of Workers Who Lost Jobs Due to Lay Off**

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### **Abstract**

Living costs are undoubtedly necessary for every human being to meet his daily necessities. One must work in order to pay for living costs. You can work on your own initiative as well as on behalf of others. The following are the research's goals: (1) What is the purpose of putting in place Job Loss Insurance (JKP) for employees who are laid off? (2) The idea of putting in place the Job Loss Guarantee (JKP), which offers employees who are terminated from their jobs legal protection (PHK). Research on document studies, namely via the use of different legal resources such as statutes, legal theory, case studies, court rulings, and scholarly opinions (doctrine), is known as normative juridical research. Various techniques, including conceptual, philosophical, legislative, case, and comparative approaches, are employed in this research to address the problem in various countries. This conclusion highlights the need to improve and perfect the Job Loss Guarantee Program (JKP) so that it is more effective in providing protection for Outsourced Workers/Labourers who experience layoffs. It is recommended that the Government require User and Outsourcing Companies to regulate the Employment Relationship for a minimum of 2 years and revise the contribution period requirements in the regulations. If improvements are made, the benefits of JKP will be felt by outsourced workers/laborers who have experienced layoffs.

**Keywords:** Legal protection, Job Loss Coverage, Outsourced Labor/Labor

### **Introduction**

Indonesia is a unified nation that follows the concept of Pancasila. These ideas must serve as the cornerstone for all aspects of life in the Unitary State of the Republic of Indonesia, including labor relations. (Nuroini, 2022b) All aspects of life must be based on the ideas contained in Pancasila, as this is the main ideology of the Unitary State of the Republic of Indonesia. (Indi Nuroini, 2023)

Living costs are undoubtedly necessary for every human being to meet his daily necessities. One must work in order to pay for living costs. You can work on your own initiative as well as on behalf of others. When someone works for the government, they are referred to as government employees or government apparatus; when they work for another party, they are often referred to as laborers or private workers. Whatever the status of their work relationship, sometimes they don't care about what's important at work.

The problem of unemployment is currently still a special concern in Indonesia. (Nuroini, 2023) Protection for workers is very important in employment law, especially when facing possible risks. Labor protection arises because of an agreement agreed by the entrepreneur with the worker/laborer, giving rise to what is called an employment relationship. In the laborfield, the policies implemented by the government in accordance with labor policy are to improve the welfare of workers with various efforts, which in this case are to improve the status and dignity of the workforce. The government is trying to reform regulations that are expected to be better and fully responsive to changes in economic, social and technological conditions, namely by implementing social security for the community.

Basically, the company and the workforce are bound by an agreement between the entrepreneur and the workers/employees by providing an agreement containing the terms and rights of work. (Nuroini, 2022a) Termination of employment is one of the issues in any interaction between employers and employees (PHK). Owing to a disagreement or the expiry of the employment contract, which ends the employer-employee relationship and the associated rights and duties.(Nuroini, 2022b)

Many countries and civilizations throughout the world have theoretically recognized and embraced social security as a part of human rights (HAM). This insight is expressed in the 1948 United Nations Universal Declaration of Human Rights (UDHR), namely in paragraphs 22 and 25 (1). All countries are urged to ensure that every person has access to social security as a basic kind of protection under International Labor Organization Convention No. 102 of 1952 concerning (Minimum Standards) for Social Security, often known as the ILO Convention. The Indonesian government is committed to implementing the constitutional requirement for social security, as demonstrated by the enactment of Law Number 40 of 2004 about the National Social Security System (State Gazette of 2004 Number 150 Supplement to State Gazette Number 4456), often known as the SJSN Law.

The National Social Security System is a government program built on the values of social justice, benefits, and humanity. Its purpose is to provide social protection so that everyone may meet the requirements of a respectable life and work toward achieving social prosperity for all Indonesians. Through this system, everyone is meant to be able to satisfy the demands of a dignified life, despite the numerous threats they experience. By producing items and/or services that meet community needs and increase national productivity, labor contributes significantly to national development.

While performing their duties, employees are likely to come across a range of risks that might affect both their performance and even their lives. Article 99 paragraph (1) of Law Number 13 of 2003 concerning Employment, sometimes referred to as the Employment Law, states that "Every worker/laborer and his family have the right to obtain labor social security." The State Gazette of 2003 No. 39, Supplement to State Gazette No. 4279, contains publication of this. Stated differently, employment social security is a form of insurance that guards against a variety of hazards faced by employees and their families. A component of the SJSN is employment social security, which is administered through a required social insurance system with the aim of providing for each member who has made contributions with the necessities of a decent living in the event that they encounter specific life-altering situations. (Suhartoyo, 2019)

When the SJSN Law first came into force, there were five (five) different types of programs available: health insurance, accident insurance, pension plan, pension guarantee, and death insurance. But in 2020, Law Number 11 of 2020 about Job Creation (2020 State Gazette Number 245, Supplement to State Gazette Number 6573), also known as the Job Creation Law, was enacted, expanding the social security program. Employees who have lost their employment will benefit most from this law.

because of experiencing layoffs. Article 82 of the Job Creation Law adds several new articles, particularly Articles 46A through 46E, and alters Article 18 to create the Job Loss Insurance Program (JKP), which broadens the scope of the country's social security system. The inclusion of social security in the form of JKP was clarified by Government Regulation No. 37 of 2021 about the Implementation of the Job Loss Guarantee Program (2021 State Gazette Number 47, Supplement to State Gazette Number 6649), henceforth referred to as PP JKP. The Ciptaker Law served as the means for this. The government suggested including job loss insurance in line with Article 34, paragraph (2) of the Republic of Indonesia's 1945 Constitution in order to empower the weak and disadvantaged in accordance with human dignity. Furthermore, the government implemented the guidelines found in Chapter IV of ILO Convention No. 102 of 1952 governing Social Security's (Minimum Standards) unemployment payments. (Mahendrasusila, 2021)

The existence of job loss insurance has been around for a long time and the amount of benefits obtained from this program varies greatly. Meanwhile, in Indonesia the job loss guarantee has not been in effect for long and is still in the maturation stage, even before it is finally regulated into statutory regulations, the government together with the ILO held a national conference with experts from 5 countries that have already implemented this program, such as Japan, South Korea, Malaysia, Thailand and Vietnam, in order to share the practices of implementing job loss insurance in each country as learning material for Indonesia to determine the appropriate scheme to be implemented domestically.

Expanding the role of BPJS Employment as the organizer of employment social security in Indonesia is the existence of job loss guarantees based on Article 83 of the Job Creation Law, which amends the content of Articles 6 and 9 of Law Number 24 of 2011 concerning Social

Security Administering Bodies (State Gazette 2011 Number 116, Supplement to the State Gazette Number 5256), hereinafter referred to as the BPJS Law. In addition to BPJS Employment, the Central Government in the employment sector or the Ministry of Manpower as the organizer are included in the job loss guarantee. Due to the minimal prerequisites for participation and contribution payment, the job loss insurance trip is currently quite brief and offers little rewards.

## **2. Method**

### *2.1 Research design*

The research method used is a qualitative method. According to Moleong, (2017) Qualitative research aims to provide a comprehensive understanding of the phenomena that research subjects experience, including behavior, perceptions, motivations, actions, and so forth. This is achieved through the use of various natural methods and word-and language descriptions within specific contexts. This approach is employed because it seeks to comprehend social interactions in which researchers engage in social interactions with the study object by interviewing participants.

### *2.2 Population and Sample*

#### **Population**

A population is any group of people (humans), events, or objects of interest to the researcher that the researcher wishes to study and make inferences about. (Sekaran, 2017). Those who worked in outsourcing made up the study's population.

#### **Samples**

A sample is a subset of the population from which findings are extracted and then applied to the entire population. (Sekaran, 2017). The research use accidental sampling as its sampling strategy. According to Sugiyono, (2019) Any outsourced worker who happens to encounter the researcher can be utilized as a sample provided it is determined that the individual they happen to meet is appropriate as a data source. This sampling approach is known as accidental sampling.

### *2.1 Operational Definition of Variables*

1. Concerning the legal situation and an assessment of the tenets The justice that workers have gained is also significant; specifically, it pertains to their position regarding their participation in other social security programs, which is a prerequisite for their eligibility in the JKP program. Thus, with relation to position There is a need for a reassessment of the requirements for participation in the JKP program since the research indicates that workers have a low legal position in receiving the advantages of implementing the program. Employees undoubtedly have a welfare entitlement to social security benefits. Thus, it makes sense to provide each employee with growth and protection in order to ensure their wellbeing.
2. One reason for the JKP program's introduction is the expectation of long-term protection. On the other hand, there are obstacles and challenges pertaining to the prerequisites for enrollment, such as requirements for having enrolled in another social security program, as well as workers' and small- and micro-business owners' readiness (willingness and ability) in terms of their financial capacity for program participation. the JKP.

#### *2.4 Data Types and Sources*

In this research four approaches were used, namely: statutory approach, conceptual approach, comparative approach and case approach. The statutory regulation approach is used in this research to examine all related statutory regulations, by understanding the hierarchy, consistency and suitability of one statutory regulation with another as well as the principles of statutory regulation in order to find answers to the problems that arise. what is being researched is how Legal protection for outsourced workers/laborers who experience layoffs against the benefits of the Job Loss guarantee program? Considering that the regulation of the Job Loss Benefit Program in Indonesia is still not regulated, there is a vacuum in norms. As a result of the fact that different legal rules will be the subject and main issue of the study, this work contains a sort of normative research employing a statutory regulation approach.(Ibrahim, 2010)This dissertation also uses the statutory approach, or statute approach, to look at statutory rules whose norms still have flaws or practice deviations, either in their technical execution or in the way they are applied in the field. This strategy is implemented by going over all statute rules that are relevant to the concerns (legal matters) that are being dealt with at the moment; in this example, those laws that deal with the Job Loss Guarantee Program.

#### *2.5 Data Collection Methods*

Method used in collecting data in this research was the interview method. According to Ahmadi, (2005)Put another way, an interview is a conversation between researchers and informants during which questions and replies are exchanged in order to gather data. In order to get the data researchers seek to study, interviewing informants is a method of gathering information by questioning them. Using indications, the researcher constructs a grid of questions for the informant to respond to throughout the interview process.

#### *2.6 Data analysis technique*

Regarding Normative Legal Data Analysis, it means understanding current legal norms and finding relationships or patterns between them. In essence, researchers focus on the interpretation and application of current legal norms as a basis for solving problems or answering their research questions. This method differs from empirical data analysis, which relies on directly observed data. This method places more emphasis on legal documents as the main source of information.

Analysis of normative legal data requires a deeper understanding of the law than analysis of empirical data. Its advantage lies in its ability to provide an understanding of the legal framework that regulates a problem. However, the weakness may lie in the inability to understand the social context that may influence the application of these norms. Legal uncertainty regarding Outsourced Workers/Labourers who are laid off regarding the Benefits of the Job Loss Guarantee Program

### **3. Research result**

The existence of justice regarding relationships between people/individuals must be emphasized that achievements are of the same value as counter-achievements. Fairness is when everyone is treated equally regardless of position. True justice must be given to every creature in the world,

as God Almighty gives human rights or basic rights from the moment humans are born so that no human or other party can take away these rights.

Social security, social welfare, and social justice are three interdependent concepts that cannot be separated. Social welfare and social security go hand in hand. Social justice cannot exist without the other. Every culture values social justice, and it is expressly acknowledged as one of the fundamental tenets of the state as well as an objective that the state must pursue. (Dipoyudo, 1985)

Regarding justice, the 1945 Constitution stipulates in Article 28 H, paragraph (3) that "Every person has the right to social security which enables his/her full development as a dignified human being" and in Article 34, paragraph (2) that "The State develops a social security system for all people and empowering the weak and underprivileged in accordance with human dignity."The following are the main justifications offered by these articles to emphasize that, within the framework of the constitution, social security is a "right" and not a "privilege": Black Henry Champbell "Privilege is a particular benefit or advantage that an individual, organization, or class receives above and beyond the regular privileges of ordinary people. an extraordinary or noteworthy advantage or exemption. An exclusive right, advantage, franchise, exemption, power, or immunity that belongs to a certain individual or group and is not frequently exercised by others."(UripGiyono, 2017)

General principles of justice underlie various moral decisions and ideals of justice located in social structures (society) such as social, political, legal and economic institutions.(Mahendrasusila, 2021)Participants in the different social security programs must get fair and sufficient protection in line with the benefits to which they are entitled when the programs are implemented. It goes without saying that SJSN, as a governmental program, must provide social welfare and the preservation of human rights for everyone. In order for the SJSN to acquire a larger membership and offer more advantages to each participant, it must be feasible to synchronize the execution of various social guarantees by many organizers during its preparation. Article 34 of the Fourth Amendment Constitution of 2002 states the social security system, while the fifth paragraph of the 1945 Constitution states that social justice is meant for all Indonesians. The Social Security ActFrom a conceptual standpoint, it is a constitutionally guaranteed right of citizens.

In its broadest meaning, the term "social security" refers to any initiatives within the social welfare sector aimed at raising the standard of living for people by assisting them in overcoming poverty, neglect, reliance, and backwardness. The notion of a welfare state encompasses not only an explanation of how social services or welfare are organized, but also an ideal approach system or normative concept that highlights the need for social services to be provided to all as a fundamental human right. In addition to promoting the establishment of order, legal clarity, equality of position in the law, and justice, the law as a guide for action must take into account the need to strike a balance between the interests of people, society, and the state. Thus, with this, Aristotle's notion of justice will still be satisfied.

Between the community, entrepreneurs, workers and the government is the most important role in the practice of employment law. In connection with the discussion that the author has outlined, labor inspection must be strengthened because it is an important element in the protection of workers as well as an effort to enforce labor law as a whole, has a social goal, namely increasing the welfare and social security of workers as well as encouraging business performance and improving welfare. society in general. (Khakim, 2005)

Workers' lives can be greatly affected economically and socially by layoffs.

Economic Impact:

• Loss of Income:

Layoffs are a loss of a major source of income for employees and their families. This can cause difficulties in meeting daily living needs, such as buying food, paying bills, and paying for children's education.

• Debt:

Laid-off workers may have debts that must be paid, such as house installments, vehicle loans, or personal loans. By losing income, they may have difficulty paying these debts, which can lead to more serious financial problems.

• Poverty:

Layoffs can increase the risk of becoming poor, especially for employees who have families.

Social Impact:

● Stress and Anxiety:

Losing a job can cause stress, anxiety and depression for workers. This can have a negative impact on their mental and physical health.

● Decreased Self-Esteem:

Losing a job can make workers feel worthless and lose self-confidence. This can make it difficult for them to find new work.

● Social conflict:

Mass layoffs can cause social conflict and unrest in society. Laid-off workers may feel angry and frustrated, and they may stage protests or demonstrations.

Since irrational ideals are the source of both justice and peace, justice is rationalized via knowledge, which might manifest as interests that eventually lead to a conflict of interest. Striking a compromise that leads to peace for all interests can help resolve this conflict of interest.(Kelsen, Hans, 2011) If happiness is the goal of justice and justice is a system of laws, then the values of individual justice may be determined by laws that take into account universal values while yet achieving each person's sense of justice and pleasure. Layoffs are a complicated problem that have an impact on jobs, communities, and families. Take decisive measures to support laid-off workers and avert layoffs in the future.

#### **4. Conclusion**

1. The implementation of Job Loss Guarantee (JKP) for outsourced workers/laborers who are laid off aims to provide certainty in the flow of family income to replace lost income, reduce

economic uncertainty and risk, and provide economic and social protection for greater social and economic stability.

2. The concept of implementing Job Loss Guarantee (JKP) provides legal protection to outsourced workers/laborers who experience layoffs with the principle of protection to maintain a decent standard of living.

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