

REVIEWING JUSTICE: CHALLENGES IN IMPLEMENTING THE JOB COPYRIGHT LAW IN NORTH SUMATRA

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Abstract

This research seeks to investigate the application of the Job Creation Law in the employment context in North Sumatra Province and its evaluation through the lens of justice theory. This study aims to explore the gap between proposed policies and the reality of their implementation, as well as their impact on social and economic justice for workers. The research methods used include qualitative analysis of secondary data, including in-depth literature reviews and comparative studies with previous regulations as well as observations of applicable social dynamics. The research results show that, while the Job Creation Law carries the potential to modernize the labor market and increase investment, there are substantive concerns about lowering worker protection standards and the risk of increasing social inequality. This study suggests that to achieve harmonization of policies and work practices, greater constructive efforts are needed to ensure that legislative reforms are aligned with the principles of fair and equitable justice for all parties concerned.

Keywords: Employment, Omnibus law, Justice

Introduction

Indonesia is committed to the principles of a rule of law that guarantees social justice for all people within the framework of the 1945 Constitution (Iskatrinah et al., 2020; Kasim et al., 2020; Oemar, 2020). The employment aspect, which is one of the important pillars in realizing social justice, is ideally designed to provide equal opportunities for every individual to contribute and participate in national economic development (Aswindo & Ras, 2020; Kasim et al., 2020; Wardi, 2020). This is not only important in the context of improving the quality of life of individuals and their families, but also in creating a strong foundation for inclusive and sustainable economic growth. Therefore, employment policies must be designed and implemented by considering justice, equality and dignity of every worker, in line with the basic values upheld by the state.

The reality on the ground is often far from these ideal conditions. Uneven and concentrated economic growth in certain sectors causes significant disparities in the distribution of employment opportunities, especially between urban and rural areas and between economic sectors (Prabowo et al., 2020). This imbalance is exacerbated by low investment in human resource development, such as education and job training, which are crucial in increasing worker productivity and national competitiveness (Kennedy, 2020; Suriadinata, 2019). In addition, external factors such as fluctuations in the balance of payments, which can be influenced by various global variables, add to the complexity of the challenges faced by the Indonesian economy, affecting economic stability and long-term growth prospects (Kaukab, 2020; Kennedy, 2020; Ningsih & Tamin, 2020; Suriadinata, 2019).

Labor policy reform is very important to overcome these various challenges and align reality with the expected ideal conditions (Brett, 2019; Ningsih & Tamin, 2020). This includes improvements in labor regulations to increase workers' flexibility and adaptability in facing labor market dynamics, increasing access to quality vocational education and training, as well as developing an inclusive social security system. Through a comprehensive and sustainable approach, Indonesia can ensure that every citizen has equal opportunities to participate productively in the national economy, while simultaneously advancing general welfare and making the nation's life intelligent in accordance with the mandate of the 1945 Constitution (Anggusti, 2021; Putra et al., 2021).

The Job Creation Law, which was designed to respond to the need to simplify regulations and encourage efficiency and investment, has generated various responses from various parties, especially regarding its impact on workers' rights (Cruz & Suwitno, 2021; Saprodin & Widarto, 2021). One of the most controversial changes is related to the removal of restrictions on layoffs and adjustments to the severance pay calculation formula (Ningsih & Tamin, 2020). This deregulation raises concerns that

protection for workers will be reduced, where previously, strict regulations provided a bulwark of protection for workers from unfair termination.

Discussion in the context of North Sumatra, the implementation of the Job Creation Law offers a new landscape in employment practices that needs to be evaluated. North Sumatra, as one of the provinces with a significant contribution to the national economy, has unique labor market dynamics, including in terms of employment opportunities, unemployment rates, and distribution of dominant economic sectors. Data from the Central Statistics Agency (BPS) shows that the unemployment rate in North Sumatra has fluctuated, and the reforms brought about by the Job Creation Law are expected to help reduce this figure by creating a business climate that is more conducive to job creation.

Prior to the implementation of the Job Creation Law, unemployment rates in several regions in Indonesia, including North Sumatra, may have varied, depending on local economic conditions, access to education and job training, and the availability of employment opportunities in the formal and informal sectors. For example, if the unemployment rate in North Sumatra in the year before the implementation of the Job Creation Law was around 7-9%, this shows that there are significant challenges in creating enough jobs to absorb the existing workforce.

Analysis of wage policies in the Job Creation Law is also an important point. Previously, Law no. 13 of 2003 concerning Employment provides clear guidelines regarding the wage structure and scale that employers must follow. The changes introduced by the Job Creation Law, especially those related to wage flexibility and adjustments to market conditions and company performance, require in-depth evaluation to determine whether the changes support or harm workers, especially in the context of fairness.

Referring to the framework of thought regarding the Job Creation Law, theories of justice, rule of law and dignified justice play a fundamental role in directing the implementation of regulations aimed at supporting economic growth and investment, while ensuring the protection of workers' rights. (bagijo et al., 2023; Silitonga et al., 2022; Styawati et al., 2021; Tektona, 2022). The principle of justice, which prioritizes the fair distribution of resources and opportunities for all levels of society, requires that policies initiated through the Job Creation Law not solely focus on economic aspects but also pay attention to the even distribution of the benefits of growth among workers. This implies the need for policies that ensure decent working conditions, fair wages and social security for workers, as a concrete manifestation of the application of justice theory in labor regulation.

The principle of the rule of law demands that all legislative and executive actions related to the Job Creation Law must be based on a clear and accountable legal framework. (Fauzi, 2021). In this context, the rule of law functions as a mechanism that ensures that policies are not formed or implemented through arbitration, and emphasizes the importance of protecting workers' rights through a transparent and inclusive legislative process. Fair implementation of the Job Creation Law requires accountability and transparency in the process, ensuring that every policy change is carried out by considering the direct impact on workers and society as a whole.

The concept of dignified justice, which emphasizes the importance of respecting the dignity and intrinsic value of each individual in the work environment, leads to economic development that is not only oriented towards economic output but also the quality of life of workers. (Devita & Nugroho, 2021; Fadilah & Nugroho, 2021). This requires the implementation of the Job Creation Law which not only prioritizes job creation or GDP growth, but also creates adequate working conditions, prevents discrimination, and guarantees equality in employment opportunities. Dignified justice demands a work environment that supports workers' welfare and ensures that employment policies recognize and protect workers' human rights and dignity as an inseparable part of national economic development.

Analyzing the articles of the Job Creation Law related to wages, severance pay and layoffs, this research seeks to reveal that these provisions do not provide adequate guarantees of workers' rights and contain elements of legal uncertainty that have the potential to harm workers. Thus, this research not only reveals the gap between ideal conditions and the reality of implementing the Job Creation Law in North Sumatra, but also offers a critical perspective on the urgency of this research in the context of fulfilling dignified justice for workers in Indonesia.

Literature Review

Labor

According to Law Number 13 of 2003 concerning Manpower, labor is defined as every person who is able to do work to produce goods and/or services, both to meet their own needs and those of the community.(Pratama & Uwiyono, 2022; Purnama & Amelia, 2021). The Indonesian Central Statistics Agency determines the working age limit starting from 15 years and above, in accordance with the recommendations of the International Labor Organization (ILO)(Prasetyo et al., 2022; Pratama & Uwiyono, 2022; Pratiwi & Andani, 2022; Purnama & Amelia, 2021). This definition forms the basis for identifying populations affected by labor regulations and the Job Creation Law.

Workforce

Divided into two groups, namely the economically active group which includes residents who offer labor and are successful in obtaining it (employed) and those who are looking for work but have not been successful (unemployed).(Agus, 2023; Permana, 2022; Rahmatullah, 2020). This categorization is important for understanding labor market dynamics and assessing the effect of the Job Creation Law on employment opportunities and unemployment rates.

Employment Problems

Research acknowledges that employment issues receive serious attention from various parties, including the government, because they play an important role in national development. Employment issues are not only about job creation and reducing unemployment but also include empowering the workforce and improving their welfare(Arief & Sutrisni, 2021; Maryono & Markoni, 2023; Matompo, 2020). This is relevant to the context of the Job Creation Law which aims to reform regulations to achieve this goal.

Research methods

This research method uses a normative juridical approach, which focuses on analysis of laws and regulations relevant to employment issues and the implementation of the Job Creation Law.(Kurniawan, 2021; Sari, 2021; Sofiani, 2020). This research was designed to explore legal aspects through the study of documents and literature related to the research object. This method allows researchers to examine existing legal norms and assess their application and effectiveness in the real context of North Sumatra Province. This approach is strengthened by the use of secondary data which includes primary legal materials such as related laws and regulations, as well as secondary and tertiary legal materials which provide further explanation and analysis of primary legal materials.

Data collection techniques were carried out through library research and interviews(Damayanti, 2022; Saputra & Retnowati, 2021; Zubi et al., 2021). Literature studies allow researchers to collect relevant information and data from various written sources, including books, journal articles, and legal and regulatory documents. Meanwhile, interviews were used to obtain views, perceptions and direct experiences from stakeholders involved in or affected by the implementation of the Job Creation Law, including workers, entrepreneurs and local governments. This technique aims to complement secondary data with deeper insights and perspectives regarding implementation practices in the field.

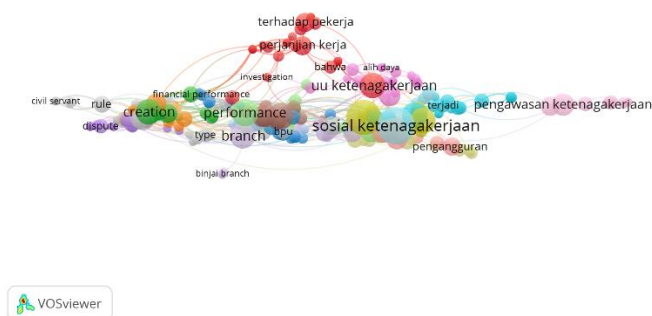


Figure 1. Previous Research

Based on the visualization of bibliometric data displayed in the VOSviewer image, it appears that there are several main themes that emerge from the analysis of 979 articles related to employment and the Omnibus Law. Three prominent topics, such as “employment agreements,” “social employment,” and



“employment inspections,” demonstrate a research focus centered on the influence of regulations on employment agreements, the social aspects of employment relationships, and the need for oversight in the implementation of employment law. The link between “Employment Law” and “Omnibus Law” indicates an in-depth comparative analysis regarding regulatory changes. Concerns “for workers” that appear to be connected to the issues of “unemployment” and “work agreements” indicate that there is extensive discussion regarding the impact of the Omnibus Law on job security and labor market conditions. The description of the interconnections between these topics reflects the complexity and multidimensionality of employment issues influenced by the Omnibus Law, with various perspectives and implications felt by society.

Data analysis in this research was carried out qualitatively, where data obtained from literature studies and interviews were organized and categorized to identify important themes. This analysis process aims to draw conclusions that are relevant to the research objective, namely to assess the extent to which the implementation of the Job Creation Law in North Sumatra has fulfilled the principles of dignified justice. Conclusions are drawn through deductive logic, where the researcher constructs arguments based on the data and analysis that has been carried out to answer the research questions.

Results and Discussion

Reducing Controversial Aspects in Employment Regulations

Reducing controversial aspects in labor regulations is an important step in creating a fair and balanced work environment. This involves simplifying and clarifying existing regulations to reduce legal uncertainty and strengthen protections for workers, while maintaining flexibility for employers to operate efficiently.

In the context of this research, dialogue between government, employers and workers is very important to identify and resolve controversial issues. Through an inclusive consultation process, agreement can be reached on the changes that need to be made to ensure that labor regulations support both economic growth and social justice. This initiative not only helps increase trust between the parties involved but also helps create a stronger foundation for inclusive and sustainable economic growth.

Table 1 Comparison Matrix of Laws and Community Demands

<i>Chapter</i>	<i>UU no. 13 of 2003</i>	<i>UU no. 11 of 2020</i>	<i>Community Demands</i>
Minimum wage	Determination of a minimum wage based on decent living needs determined by the regional government.	The introduction of a minimum wage that can be based on industry or special economic zones, not just based on the need for a decent living.	Concern over the reduction in minimum wage standards which could affect workers' living capabilities.
Work overtime	Limitation of overtime working hours to a maximum of 14 hours a week with overtime payment.	Adjustment of overtime provisions, allowing greater flexibility according to industry needs.	Protection against excessive working time and guarantee of fair overtime compensation.
Termination of Employment (PHK)	Detailed provisions regarding layoff conditions and compensation.	Simplifying layoff procedures and adjusting compensation formulas.	Concerns over the ease of layoffs that could reduce job security.

<i>Outsourcing</i>	Strict limits on the types of work that can be outsourced.	Removal of some restrictions related to outsourcing, expanding the scope of work that can be outsourced.	Demand for stronger protection for agency workers.
<i>Foreign Employment</i>	Requirements and restrictions for the use of foreign workers.	Relaxation of requirements for recruiting foreign workers.	The need for employment protection for local workers.
<i>Employment contract</i>	Strict regulations regarding work contracts for a certain time.	Flexibility in the use of employment contracts and contract duration.	Concern over the increased use of employment contracts which could reduce job stability.

Changes in labor regulations introduced by Law no. 11 of 2020 concerning Job Creation marks a significant turning point from the provisions previously stipulated by Law no. 13 of 2003 concerning Employment. Analysis of several of these key aspects reveals the complex dynamics between the need for industrial adaptation and the protection of workers' rights in the modern economy.

Changes to the minimum wage provisions which now allow for determination based on industry or special economic zones, rather than just based on decent living requirements, represent an effort to increase the flexibility and competitiveness of the local economy. However, public concerns about potential reductions in minimum wage standards reflect the tension between economic growth and social justice, highlighting the importance of effective monitoring mechanisms to ensure that the wages offered still meet a decent standard of living.

In the context of overtime work, adjustments that allow greater flexibility according to industry needs signal a response to increasingly varied labor market dynamics. However, public demands for protection against excessive working hours and guarantees of fair overtime compensation underscore the need for a balance between operational flexibility and worker protection.

Changes to layoff regulations, which simplify procedures and adjust compensation formulas, can be seen as an attempt to reduce the administrative burden on employers. However, public concerns about the ease of layoffs indicate a need to ensure that these changes do not compromise job security and provide sufficient protection for affected workers.

The expansion of the scope of work that can be outsourced raises questions about how a balance between companies' need for flexibility and protection for outsourced workers can be achieved. Public demand for stronger protections for agency workers underscores the importance of regulations that ensure fair and transparent working conditions for all workers, regardless of employment status.

The easing of requirements for recruiting foreign workers and flexibility in the use of employment contracts demonstrate efforts to modernize Indonesia's labor market. However, concerns over the impact of these changes on local workers and job stability emphasize the importance of developing balanced policies that enable economic growth while maintaining fairness and job security for workers. This analysis highlights that the transformation of labor regulations through the Job Creation Law presents a number of opportunities and challenges. Finding the right balance between industrial adaptation and protecting workers' rights is key to ensuring that Indonesia's economic development is inclusive and sustainable.

Implementation of the Job Creation Law in North Sumatra Province

The implementation of the Job Creation Law in North Sumatra Province presents a unique context, highlighting how this national regulation has been adapted and implemented at the regional level. The adoption of the Job Creation Law in North Sumatra cannot be separated from the dynamics and specificities of the region, including the local economic structure and labor market needs. The North

Sumatra Provincial Government is taking proactive steps to ensure that the implementation process runs smoothly, which involves socializing the policy to stakeholders, including the business sector and workers, as well as adjusting regional regulations to support the implementation of this regulation. These efforts reflect the need to ensure that the Job Creation Law is not only accepted legally but also effective in practice, adapting to local conditions and challenges.

The role of the provincial government in supporting the implementation of the Job Creation Law is very critical, especially in terms of adapting regional regulations. This includes reviewing and revising existing regional regulations to ensure compliance with the provisions of the Job Creation Law. The North Sumatra Provincial Government seeks to create synergy between national regulations and local policies, optimizing the benefits of the law for the regional economy while minimizing the potential for regulatory conflicts. These efforts also aim to strengthen the legal framework that supports the business and investment climate, remove bureaucratic obstacles, and facilitate the expansion of local businesses and the entry of new investment.

The impact of the Job Creation Law on the investment climate in North Sumatra includes a number of challenges and opportunities. Positively, this law is expected to stimulate regional economic growth through increased investment, both domestic and foreign. The deregulation and simplification of licensing offered by the Job Creation Law provides opportunities for business actors to expand operations and reduce compliance costs. However, challenges have also emerged, particularly related to concerns over the social and environmental impacts of increased industrial activity, as well as the need to ensure that economic growth is inclusive and sustainable.

In the process of implementing the Law, administrative obstacles are one of the main obstacles. Complicated bureaucracy and ineffective inter-agency coordination often hinder the efficient implementation of these regulations. In overcoming this problem, the use of information technology is key. Digitizing the licensing process and using online platforms for government services helps speed up the process, increase transparency and facilitate access for business actors. This initiative reflects the provincial government's efforts to overcome administrative barriers and utilize technology to support the digital economy.

Supporting and inhibiting factors for the implementation of the Job Creation Law in North Sumatra provide a comprehensive perspective regarding existing challenges and opportunities. Support from the central and regional governments, as well as active involvement from the business community and workers, is the key to the successful implementation of this law. However, challenges such as resistance to change, social and environmental concerns, and infrastructure and human resource readiness also need to be addressed effectively. Through a collaborative approach and adaptation to local needs, North Sumatra seeks to maximize the benefits of the Job Creation Law for sustainable economic and employment development.

Justice-Based Reconstruction for Companies and Workers in the Implementation of the Job Creation Law in North Sumatra Province

The implementation of the Job Creation Law in North Sumatra has significant consequences for the local social and economic structure. Integrating the principles of justice in this implementation process is key to ensuring that the changes brought about by this law have a positive impact on all parties concerned. The principles of equality, balance and fair treatment are the foundation for translating the objectives of the Job Creation Law into real practices that support economic progress without compromising workers' rights and welfare. This includes efforts to create a conducive and fair working environment for workers and entrepreneurs in North Sumatra.

In order to improve the welfare of workers in North Sumatra, various initiatives have been launched as part of the implementation of the Job Creation Law. These steps aim to ensure that the economic transformation expected from the implementation of this law is also accompanied by an improvement in the quality of life of workers. These efforts are not only focused on increasing incomes, but also on increasing access to training and competency development, which are essential in an ever-changing economy. Protection of workers' rights, including safe and fair working conditions, is a priority in this process, reflecting a commitment to social justice.

Analysis of the impact of the implementation of the Job Creation Law in North Sumatra reveals the complex dynamics between economic growth and social justice. Although this law aims to make investment easier and create jobs, there are concerns about potential environmental and social

sacrifices. Critical and comprehensive evaluation of the impact of this law is essential to ensure that the policies and practices adopted achieve the desired balance between economic growth and social justice. Justice in this context is not only related to the distribution of wealth, but also to the opportunity to participate actively in a developing economy.

The role of the North Sumatra Provincial government is very important in facilitating dialogue and cooperation between employers and workers. This initiative aims to build a better understanding of the Job Creation Law and find a middle way that meets the interests of both parties. This collaboration shows that resolving problems and conflicts that may arise from the implementation of the Job Creation Law requires an inclusive and participatory approach, ensuring that the voices of workers and employers are both heard and considered.

In overcoming the challenges faced, the use of information technology is an important aspect in supporting the efficiency and transparency of the Job Creation Law implementation process. Digitalization of licensing services and procedures, for example, offers solutions to speed up administrative processes and reduce the potential for corruption and abuse of authority. Information technology enables increased access for workers and employers to important employment-related information and services, strengthening the principles of fairness and openness.

An evaluation of the effectiveness of the implementation of the Job Creation Law in North Sumatra highlights the importance of policies that are responsive and adaptive to local needs. The experience of North Sumatra shows that the implementation of this law cannot be carried out with a monolithic approach; each region has unique challenges and needs that must be considered. By responding with policies that are adjusted so that the implementation of the Job Creation Law truly reflects the principles of justice and pays attention to environmental and social sustainability.

North Sumatra's approach to implementing the Job Creation Law also underscores the importance of capacity building for workers and employers. Training and competency development programs organized by the government and the private sector are key in preparing a workforce that is ready to face global market dynamics. This initiative not only improves worker welfare through increased skills and productivity, but also supports sustainable and inclusive economic growth.

Justice in implementing the Job Creation Law also requires a commitment to environmental protection. In North Sumatra, where the agricultural and natural resources sectors play an important role in the local economy, policies that support economic growth must be in line with environmental conservation efforts. This includes the development of sustainable business practices and strict monitoring of the environmental impacts of industrial and agricultural activities.

The successful implementation of the Job Creation Law in North Sumatra, ultimately, depends on the ability to create synergies between economic growth, worker welfare and environmental sustainability. This process requires ongoing dialogue between government, the private sector, labor communities and civil society to ensure that the resulting economic growth is not only rapid and efficient but also fair and sustainable. Through collaboration and a shared commitment to the principles of justice, North Sumatra can become a model for the balanced and inclusive implementation of the Job Creation Law in Indonesia.

Conclusion

The implementation of the Job Creation Law in North Sumatra Province has given rise to debate regarding the effectiveness of labor reform in the context of social and economic justice. The introduction of more flexible regulations as regulated in this Law, theoretically, aims to simplify wage mechanisms and the layoff process, as well as provide greater flexibility in terms of outsourcing and work contracts. However, on the other hand, this reform has caused anxiety among the public, especially among workers who are worried about lowering minimum wage standards and job protection.

These labor policy reforms require substantial improvements in the quality of education and job training, which are necessary to increase the competence and productivity of the local workforce. No less important is the development of infrastructure and information technology to support more efficient and transparent administrative processes. This will be key to navigating the complexity of challenges and exploiting opportunities arising from the implementation of the Job Creation Law.


The success of this reform is highly dependent on the ability of local governments to support and facilitate dialogue between employers and workers, ensuring that the implementation of this law

achieves the goals of inclusive and sustainable economic development. Synergy between policy, technology, education and social dialogue will be fundamental in realizing fair economic growth, where every individual has the opportunity to participate and benefit from economic progress.

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