

Juridical Analysis of Government Regulation Number 35 of 2021 Regarding Massive Party Officers During the COVID-19 Pandemic



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ABSTRACT: The COVID-19 pandemic has severely impacted various parts of the world. One of the impacts is in the economic field, where many companies terminate their employment or lay off their employees. The Ministry of Manpower in Indonesia noted that as many as 72,983 workers became victims of Termination of Employment (PHK), and 4,156 companies laid off their employees due to financial conditions affected by Covid. The number of workers who became victims of layoffs was obtained from a survey conducted in November 2021. The survey was conducted in 21 Manpower Offices from 34 provinces in Indonesia through quantitative methods through questionnaires. The problem is that many workers/laborers who are laid off do not comply with the procedures contained in Government Regulation 35 of 2021. Workers/laborers who experience termination of employment must receive legal notification and rights due to termination of employment. This research can be categorized as normative juridical research or library law research. The research approach used is a conceptual approach. The method of collecting legal materials is in the form of documentation. This research does not require direct involvement in the research object but only through written documents. The types of sources of legal materials used in this study consist of primary data sources, secondary data sources, and tertiary data sources.

KEYWORDS: Termination of Employment, Legal Protection, Arrangements for Termination of Employment, Covid Pandemic, Government Regulation Number 35 of 2021

I. INTRODUCTION

The year 2019 was the year of the emergence of a virus threatening the safety of life worldwide. The virus is called the Corona Virus or Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2). This virus causes respiratory system disorders such as lung infections to death. The coronavirus was first discovered in the city of Wuhan, China, at the end of December 2019. This virus spread quickly in various parts of the world, including Indonesia. This pandemic has made several countries carry out various policies, such as lockdowns, to prevent the virus from spreading. Meanwhile, in Indonesia, the government has implemented a policy of implementing restrictions on government activities (PPKM).

According to data released by the Task Force for the Acceleration of Handling Covid-19 until June 21, 2022, the death rate caused by COVID-19 is 2.6%. This number decreased by 3.4% in January 2020, with 6,069,255 confirmed cases and 156,695 deaths. Although the death rate caused by COVID-19 is high, it is also balanced with the Covid recovery rate, which is also increasing. The latest data shows that 5,903,461 people infected with the coronavirus have recovered (Alodokter, 2022).

The COVID-19 pandemic has severely impacted various parts of the world. Apart from health, the COVID-19 pandemic in the world also impacts the social, educational, political, financial, and economic fields. The covid pandemic has destroyed the foundations of the economy in Indonesia and other countries. The Covid pandemic has forced business activities to change terms and ways of working. Many business actors have suffered losses and regard the Covid condition as a force majeure, thus making efforts to save the company, starting by reducing employees or layoffs, many employees being laid off, and even closing the business itself. Force majeure is a condition that occurs after an agreement prevents the debtor from fulfilling his achievements. Force majeure caused by a pandemic occurs beyond the control of business actors. This situation can also be used as a reason to be released from the obligation to pay compensation (Suadi, 2018). Handling and preventing coronavirus transmission has forced the government to issue social restrictions. Changes in the way of working occur, for example, a reduction in the number of workers in a particular working time.

One of the exciting things for us to look at is the termination of employment or layoffs by business actors. One of the employment terminations is regulated in Government Regulation 35 of 2021. Article 1 states that termination of employment or employment is due to a particular matter which results in the termination of rights and obligations between workers/laborers and employers.

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Terminating employment in a company also causes losses, where the company must lose workers with experience in carrying out work. There are several reasons for layoffs to be carried out, the initiative of which is from the employer with the consequence of granting rights to workers, namely workers making minor/serious mistakes; bankrupt company; the existence of force majeure; efficiency (Sugiarti & Wijayanti, 2020).

The Ministry of Manpower in Indonesia noted that as many as 72,983 workers became victims of Termination of Employment (PHK), and 4,156 companies laid off their employees due to financial conditions affected by Covid. The number of workers who became victims of layoffs was obtained from a survey conducted in November 2021. The survey was conducted in 21 Manpower Offices from 34 provinces in Indonesia through quantitative methods through questionnaires (Putra, 2021). A concrete example of a company that did layoffs, namely PT Ramayana Lestari Sentosa Tbk, laid off 421 employees from January 2020 to June 2020. PT Ramayana Lestari Sentosa said it employed 5,475 employees until June 2020. The number was reduced from the position in December 2019, which reached 5,896 people. Meanwhile, as many as 2,100 employees experienced salary cuts and adjustments to working hours (CNN Indonesia, 2020).

Article 37, paragraph (1) of Government Regulation Number 35 of 2021 states that employers, workers/laborers, trade unions/laborers, and the government must make every effort to prevent termination of employment. Furthermore, Article 3 it is stated that the notice of termination of employment is made in the form of a notification letter and submitted legally and appropriately by the employer to the worker/laborer and/or trade union/labor union no later than 14 (fourteen) working days prior to the termination of employment. Therefore, the termination of the relationship carried out by the company must not be carried out unilaterally. It must follow the act or government regulation procedures, including fulfilling the rights workers affected by layoffs must obtain and negotiating with workers who refuse termination, employment relations, and others.

The employer does not want to terminate the employment relationship because the existing workers can be said to be workers who already have work experience in their company. Even though it has only been one or two months, coaching them further increases their work productivity while in the company. Dismissal of workers/laborers who have worked for several months in their company is only done because of compulsion, meaning that if the company's conditions during the pandemic are still running generally without experiencing losses, then there will be no termination of employment. A good entrepreneur or business actor will continue to pay attention to the provisions of the legislation or applicable law when terminating his/her worker/laborer. From the description above, problems arise, namely:

1. What is the arrangement for mass layoffs during the pandemic based on Government Regulation Number 35 of 2021?
2. What are the Legal Protection Efforts for Workers Due to Mass Termination of Work in the Pandemic Era?

II. METHODS

The research method collects research data and compares it with the standard measure used. The research method is an essential factor in a study because whether or not the research method is used determines the success or failure of a study. This research can be categorized as normative legal or library law research because this research refers to written regulations or other legal materials related to the themes taken to obtain precise data and descriptions. In this study, the way to access and research is taken from library materials, namely materials that contain new and up-to-date scientific knowledge or new understandings of known facts and ideas (ideas), in this case, including books, journals, dissertations, or theses, and legal materials, and other (Amiruddin & Asikin, 2006).

The research approach used is a conceptual approach. The conceptual approach leads the author to move away from the views and doctrines that develop in legal science that develops in society. The method of collecting legal materials is in the form of documentation. This research does not require direct involvement in the research object but only through written documents. The legal collection method is carried out to collect all the required data. The documents used in this research are books related to the research title regarding Termination of Employment (PHK).

The types of sources of legal materials used in this study consist of primary data sources, secondary data sources, and tertiary data sources. If a researcher finds a theme to be researched, then the next step that must be done is to collect all information related to the relevant and essential theme, then determine the legal issue. Sometimes in determining legal issues, general information is needed. This information is intended to help orientate the situation by examining secondary legal materials. Through secondary data, legal issues can be formulated appropriately. In addition, secondary data can also be used to identify the required legal data (Nasution, 2008).

First, the primary data source is legal material that is directly obtained from the primary research source, namely Government Regulation Number 35 of 2021 concerning Certain Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment. Second, secondary data sources in this study are legal journals, legal dictionaries, theses, legal theses, and dissertations. Third, the tertiary data sources in this study are Indonesian language dictionaries, internet media, and encyclopedias. In the process of the data obtained, it is necessary to have procedures for processing and to analyze data following the approach used. Then the analytical model used by the author is descriptive qualitative (Setiawan, 2010). The data analysis the

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author uses is through the stages of data checking (editing), data classification (classifying), data verification (verifying), and analysis (analyzing).

III. RESULTS AND DISCUSSIONS

A. Arrangements for Termination of Employment (PHK) Based on Government Regulation Number 35 of 2021

Termination of Employment (PHK) is regulated explicitly in Article 36 to Article 59 in Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time, and Termination of Employment. Termination of Employment Relations based on the provisions of Article 1 paragraph (15) of Government Regulation Number 35 of 2021 is the termination of Employment Relations due to a particular matter which results in the termination of rights and obligations between Workers/Laborers and Employers. As for Article 36 of Government Regulation Number 35 of 2021, it is explained that layoffs can occur for several reasons, including:

- a. The company merges, consolidates, takes over, or separates the company. The worker/ laborer is not willing to continue the working relationship, or the entrepreneur is not willing to accept the worker/ laborer.
- b. The company performs efficiently followed by company closure or not followed by company closure because the company suffers a loss.
 - c. The company closed because the company suffered losses continuously for 2 (two) years.
 - d. The company closed due to force majeure.
 - e. The company is in a state of suspension of debt payment obligations.
 - f. Bankrupt company.
 - g. There is an application for Termination of Employment submitted by the worker/laborer because the entrepreneur has committed the following actions:
 1. Persecute, humiliate, or threaten Workers/Laborers.
 2. Persuade and/or order Workers/Laborers to act contrary to the laws and regulations.
 3. Failure to pay wages on time that has been determined for 3 (three) consecutive months or more, even though the employer pays wages on time after that.
 4. Not performing the obligations promised to the workers/Laborers.
 5. Order the Worker/Laborer to work outside the agreement.
 6. Providing work that endangers the life, safety, health, and morals of the Worker/Laborer while the work is not stated in the work agreement.
 - h. There is a decision of the industrial relations dispute settlement institution stating that the entrepreneur has not committed the act as referred to in letter g against the application submitted by the worker/laborer, and the employer has decided to terminate the employment relationship.
 - i. Workers/Laborers resign of their own accord.
 - j. Workers/Laborers file for 5 (five) working days or more in a row without a valid written statement.
 - k. The worker/laborer violates the provisions stipulated in the work agreement, company regulations, or collective labor agreement for which the first, second and third warning letters have been given.
 - l. Workers/Laborers cannot work for 6 (six) months due to being detained by the authorities because they are suspected of committing a crime.
 - m. Workers/Laborers experience prolonged illness or disability due to work accidents and are unable to carry out their work after exceeding the limit of 12 (twelve) months.
 - n. Workers/Laborers enter retirement age.
 - o. Worker/Laborer dies

The leading cause of the Termination of Employment (PHK) that often occurs in the world, especially in Indonesia, is due to the covid pandemic. The covid pandemic is an unwanted situation or force majeure. The COVID-19 pandemic has temporarily paralyzed the economy. Many companies implement policies for their workers, such as working from home and reducing working hours until the termination of the employment relationship itself. No one wants termination of employment, neither the company nor the workers, but this must be done so that the company can survive.

Layoff means a situation where the worker stops working for his employer. The nature of layoffs for workers is the beginning of all endings, the beginning of the end of having a job, the beginning of the end of their ability to pay for the necessities of daily life for them and their families. Employers, Trade Unions, and the Government must try to prevent termination of employment. Furthermore, the provisions in Article 37, paragraphs (1), (2), (3), and (4) Government Regulation Number 35 of 2021, namely:

- (1) Employers, Workers/Laborers, Trade Unions/Labour Unions, and the Government must make every effort to prevent termination of employment.

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- (2) If Termination of Employment is unavoidable, the purpose and reason for Termination of Employment are notified by the employer to the Worker/Laborer and/or Trade Union/Labour Union within the company if the Worker/Laborer concerned is a member of a Trade Union/Labour Union.
- (3) Notification of Termination of Employment is made in the form of a notification letter and submitted legally and adequately by the Employer to Workers/Laborers and/or Trade Unions/Labour Unions no later than 14 (fourteen) working days prior to Termination of Employment.
- (4) If the Termination of Employment is carried out during a probationary period, a notification letter shall be submitted no later than 7 (seven) days before the Termination of Employment.

Article 38 of Government Regulation Number 35 of 2021 states that if the Worker/Laborer has received a notification letter and does not refuse the Termination of Employment to the ministry that carries out government affairs in the workforce sector and/or the agency that carries out government affairs in the province and district/city workforce sector. This article means that if a Worker/Laborer who is terminated or laid off does not show an attitude of rejection of the notice of termination of employment, then the Worker/Laborer is deemed to have accepted the termination of employment that has been given.

As for the Worker/Laborer who has received a notice of Termination of Employment and declares refusal, the Worker/Laborer must make a rejection letter accompanied by logical reasons no later than 7 (seven) working days after the notification letter is received. Suppose there are differences of opinion in the process of rejecting the notification letter. In that case, the settlement of the Termination of Employment is carried out through bipartite negotiations between the employer and the Worker/Laborer and/or the Trade Union/Labour Union. The last resort is that if the bipartite negotiations do not find a middle point, the settlement is through the industrial relations dispute settlement mechanism. Workers/Laborers laid off will be given severance pay or service pay and compensation for entitlements stipulated in Government Regulation Number 35 of 2021.

Termination of Employment Relations must be used as a last resort in the event of industrial relations disputes. Employers in dealing with workers should according to Sunindhia & Widiyanti (1998):

- a. Considers employees as partners who will help him to succeed in his business goals.
- b. Provide appropriate compensation for the services deployed by the partner, in the form of decent income and certain social guarantees, so that the worker can work more productively (effectively).
- c. Maintain good relations with employees.

Therefore, the workers who work for the company must balance the relationship or work relationship with real good work, full of discipline and responsibility, so that the company's goals can be achieved successfully for the benefit of the workers themselves. All things that are not fair within the company are resolved by deliberation and consensus, such as disputes in a large family.

Thus, the company will not be disturbed by its production business because both parties pay attention to each other, respect each other and engage in joint activities to achieve company goals. For both parties to realize the company's success, it is necessary to have control, which is in the form of legal provisions and applicable regulations. Without control, humans will be driven by desires that make them beyond the limits of consciousness, extort each other, or the strong will eat the weak (Sunindhia & Widiyanti, 1998). So, both the employer and the person given the job must be controlled by the applicable rules and regulations and responsible for carrying out their respective activities following their duties and authorities so that harmony and harmony will always be realized.

The Termination of Employment gives rise to workers' rights which include severance pay, service fees (service fees), and compensation for rights that should be received. In connection with the above, the amount of severance pay based on the provisions of Article 40 paragraph (2) of Government Regulation Number 35 of 2021 is determined at least as follows:

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

The amount of the service award based on the provisions of Article 40 paragraph (3) Government Regulation Number 35 of 2021, is determined as follows

- a. 3 (three) years or more but less than 6 (six) years, 2 (two) months wages;
- b. 6 (six) years or more but less than 9 (nine) years, 3 (three) months wages;
- c. Working period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;
- d. Working period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months of wages;

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- e. Working period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;
- f. Working period of 18 (eighteen) years or more but less than 21 (twenty-one) years, 7 (seven) months of wages;
- g. Working period of 21 (twenty-one) years or more but less than 24 (twenty-four) years, 8 (eight) months wages;
- h. Working period of 24 (twenty-four) years or more, 10 (ten) months wages.

Furthermore, based on the provisions of Article 40 paragraph (4) of Government Regulation Number 35 of 2021, the compensation money that should be received includes:

- a. Annual leave that has not been taken and has not yet fallen;
- b. Costs or return fees for Workers/Laborers and their output to the place where the Worker/Laborer is accepted to work; and
- c. Other matters relating to the Employment Agreement, Company Regulations, or Collective Labor Agreement.

B. Legal Protection Efforts for Workers Due to Mass Termination of Work in the Pandemic Era

There are many cases of employers laying off workers during the Covid period. The decline in the economic sector due to Covid caused many problems in the company, ranging from disruption of production due to PPKM, many workers impacted by Covid, and decreased consumer interest which caused much harm to the company. The company was inevitably forced to reduce the number of employees to keep the company stable. Meanwhile, the company must pay attention to procedures under existing regulations in carrying out layoffs. Workers/laborers who experience layoffs and do not comply with existing procedures deserve legal protection to achieve the fifth value of Pancasila, namely social justice for all Indonesian people.

Labor law protection guarantees harmonious working relations between workers/laborers and employers without pressure from the strong to the weak. Therefore, entrepreneurs with a strong socio-economic position must help carry out these protection provisions by applicable laws and regulations (Rosita & Syamsah, 2016). The three forms of labor protection that are known theoretically are as follows:

1. Protection from an economic point of view, namely a form of labor protection given to workers/laborers, in which case it is in the form of a reward or sufficient income to meet the daily needs of the worker/laborer and the worker/laborer's family. This protection also regulates if the worker/laborer cannot carry out his work because of something other than what the worker/laborer wants. This form of protection is commonly referred to by society as social security.
2. Protection from a technical point of view, namely a type of protection given to workers/laborers where this protection aims to make workers/laborers whom do a job feel safe from all hazards that can arise from the work tools or materials being worked on by the worker/laborer.
3. This protection is commonly referred to by society as work safety. Protection from a social perspective, namely the form of protection given to workers/laborers where this protection aims to give workers/laborers the right to health in their lives. This protection can be called occupational health (Jundi, 2021).

The occurrence of Termination of Employment is a condition that the Worker/Laborer does not expect. Workers/laborers who are laid off should get their rights. These rights include severance pay, service pay, and compensation for entitlements that should have been received. The amount of severance pay is regulated in Government Regulation Number 35 of 2021, starting from article 40 to article 59, depending on the length of service, the reason for the layoff, and the agreement between the entrepreneur and the worker for micro-enterprises. The reasons that can justify the Termination of Employment by the employer on the employee according to Halim & Gultom (1987) are:

1. Economic reasons

- a. The decline in production yields can also be caused by several factors, for example:
 - 1) The decline in the production capacity of the company concerned.
 - 2) The decrease in public demand for the company's products concerned.
 - 3) The decrease in basic material supplies.
 - 4) The unsoldness of production results that were first thrown into the market and so on directly or indirectly resulted in losses.
 - b. The decline in the company's income directly results in losses.
 - c. The decline in the company's ability to pay wages or salaries or other employee benefits in the same circumstances as before.
 - d. Implemented rationalization or simplification, which means reducing the large number of employees in the company concerned.
2. Other reasons stemming from extraordinary circumstances, for example:
 - a. Due to the state of war that did not allow the continuation of the working relationship.
 - b. Due to natural disasters that destroy the workplace and so on.
 - c. This is because the other companies that are the organizers of the work in question can no longer continue to provide jobs so far.
 - d. Due to the death of the employer and no heirs who can continue the working relationship with the employee concerned.

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The covid pandemic is one of the reasons entrepreneurs close their businesses if they cannot survive due to economic instability, or it can also be called force majeure. Force majeure is a condition that occurs after an agreement prevents the debtor from fulfilling his achievements. Force majeure due to the covid pandemic occurs outside the company's control, which can be used as an excuse to be released from the obligation to pay compensation (Suadi, 2018).

According to the theory of legal protection, legal protection can be in the form of preventive legal protection (prevention) and repressive legal protection (punishment). Preventive legal protection is carried out by companies that carry out layoffs. In the form of companies having to carry out their obligations because they have carried out layoffs under the Labor Law (Frivanty & Ramadhani, 2020). The most important legal protection in termination of employment relates to the correctness of the reasons for layoffs. What needs attention is if workers are laid off. However, in carrying out the layoff process, the company does not carry out existing procedures arbitrarily, especially in conditions of the covid pandemic. These conditions are against human rights. The truth of the reasons originating from the way the layoffs occur is twofold, namely from the employers and the workers. The truth of the reasons on the part of the workers can be classified into two, namely due to resignation or urgent reasons which result in the workers being unable to continue their working relationship (Wijayanti, 2016).

In practice, the reasons for resignation are widely used by a company's personnel or HRD regarding the worker's departure from a working relationship. Even though the employer only engineered the resignation, the rights obtained by the workers were less than what they should have been. Workers only have energy attached to themselves to be given to employers in the form of doing work. That energy is their only hope to fulfill life by getting wages. If there are workers who are suddenly laid off without following existing procedures, then this needs to be protected. There are four types of layoffs, namely:

a. Layoffs for the sake of law

Termination of Employment by law occurs because the agreed time limit has expired or if the worker dies.

b. Layoffs by workers

Termination of Employment Relations by workers can occur if the worker resigns or there are urgent reasons that result in the worker requesting to be laid off.

c. Layoff by employer

The employer's termination of employment can occur for reasons such as if the worker does not pass the probationary period, if the employer suffers a loss so that it closes the business or if the worker makes a mistake.

d. Layoffs on Court Decisions

The last way the Termination of Employment occurred was due to a court decision. These conditions resulted from a dispute between the worker and the employer, which continued the court process. Cases can come from workers or employers. The form can be through a claim for compensation to the District Court if it is suspected that there is an unlawful act from one of the parties, or it can be through the Industrial Relations Court.

Mass layoffs based on a circular from the Minister of Manpower No. SE-907/MEN/PHI-PPHI/X/2004 concerning Prevention of Mass Layoffs, it is stated that if a company experiences difficulties that can affect employment or, in this case, the covid pandemic, termination of employment must be a last resort after the following matters according to Suadi (2018):

1. Reducing the wages and facilities of top-level workers, for example, the level of managers and directors.
2. Reduce shifts.
3. Limiting/eliminating overtime work and reducing working hours.
4. Reduce working days.
5. To temporarily lay off or lay off workers/laborers.
6. Not extending the contract for workers whose contract period has expired.
7. Provide pensions for those who have met the requirements.

It is so based on the circular from the Minister of Manpower No. SE-907/MEN/PHI-PPHI/X/2004, business actors or companies that will carry out Termination of Employment must strive so that Termination of Employment does not occur by taking the things or efforts contained in the circular letter. As for the things that the company can do to prevent termination of employment for workers/labor, one of them is temporarily taking work off until the covid pandemic ends and the economic recovery period in Indonesia. If the covid pandemic is over, the company can withdraw the worker back to continue to prosper its workers and not lose workers who are competent and trained in the company.

The truth of the worker/worker's status in the employment relationship needs to be observed. Lately, in society, the employment relationship is only based on an illegitimate employment contract. A work contract called a work agreement for a specific time based on the provisions of Article 4, paragraph (1) and paragraph (2) of Government Regulation Number 35 of 2021 is based on a period, or the completion of a particular work and cannot be held for permanent work. Suppose a worker's status in an employment relationship is based on an invalid fixed-term employment agreement. In that case, the legal consequences for that work must be

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considered as a permanent worker. The implementation of Termination of Employment can be said to be inappropriate according to Kartasapoetra et al. (1983), if:

- a. If the business actor does not state the reason for the Layoff.
- b. If the reason for the Layoff is sought (pretext) or the reason is false.
- c. If the consequences of the dismissal for the worker/laborer are more severe than the benefits of the dismissal for the employer
- d. If the worker/laborer is dismissed against the provisions of the law or custom regarding staff composition or seniority rules, there is no significant reason not to comply with these provisions.

The sanctions or penalties for employers who carry out unreasonable termination of employment according to Kartasapoetra et al. (1983), namely:

- a. The termination is void, and the worker concerned must be reinstated in his original position.
- b. Payment of compensation to the worker. In this case, the worker has the right to choose between reinstatement or compensation.

Workers who experience Termination of Employment (PHK) do not get their rights before establishing an institution for settling industrial relations disputes. Based on Law Number 2 of 2004, the institution in question is the Industrial Relations Court; administrative or civil efforts can be carried out.

Legal efforts through administrative efforts, the settlement can be through bipartid efforts carried out between workers and employers as parties involved in the employment relationship. If an agreement is reached in the negotiations, then the agreement has legal force. However, if the negotiations do not agree, you can ask for advice from the local Manpower Office.

If the recommendation from the local Manpower Office is not accepted by one or both parties, it can be submitted to P4D or P4D. This recommendation can be forwarded to the Minister of Manpower to invoke a veto. The Minister of Manpower's veto is based on national security and stability considerations. If the decision of the P4D or P4P has been accepted by both parties and has permanent legal force, a fiat execution can be requested by the District Court so that the decision can be carried out.

In addition, civil legal remedies can be taken by workers if the employer's decision to impose Termination of Employment (PHK) because of efficiency cannot be justified. In the sense that the initial steps have not been taken to avoid the efficiency of the number of workers. In civil terms, workers can file a claim for compensation to the District Court based on Article 1365 BW, namely, "Every act that violates the law that brings harm to others, obliges the person who because of his mistake published the loss, compensates for the loss."

Since the enactment of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes (PPHI), which was ratified on January 4, 2003 (LN. Year 2004, No. TLN. No. 4356), legal remedies for workers experiencing industrial relations disputes will be done by bipartid, mediation, conciliation, arbitration, or to the industrial relations court.

Bipartite is deliberation between workers and employers. If an agreement is not reached in a bipartid manner, the parties may choose a settlement by mediation, conciliation, or arbitration. If the parties choose mediation or conciliation and there is no agreement, they can take the case to the industrial relations court. If the parties choose arbitration, the agreement is stated in the deed of reconciliation which is an arbitration decision and must be registered with the District Court (Wijayanti, 2016).

Suppose the contents of the decision are not implemented by one of the parties. In that case, the cancellation of the decision can be requested by the Supreme Court no later than 30 working days from the stipulation of the arbitrator's decision. An application for cancellation is made if it contains elements based on the provisions of Article 52 paragraph (1) of Law Number 2 of 2004, namely:

- a. The letter or document submitted in the examination after the verdict is handed down is acknowledged or declared false.
- b. After the decision was taken, decisive documents were found hidden by the opposing party.
- c. The decision is taken from a ruse by one of the parties in the dispute examination.
- d. The award goes beyond the power of the industrial relations arbitrator.
- e. The decision is contrary to the laws and regulations.

Based on the provisions of Article 126 of Law Number 2 of 2004, the validity period is one year from the date of promulgation. This provision was promulgated on January 14, 2004. Thus, this institution for settling industrial relations disputes will replace the position of P4D or P4P since January 14, 2005.

Companies that carry out layoffs unilaterally certainly violate the rules set by law. Therefore it is necessary to hold sanctions for companies that violate this as the existence of fair law enforcement. The imposition of sanctions in every legislation in the field of employment aims to provide a sense of justice for every worker in a company. In unilateral layoffs, the government should impose administrative sanctions on companies. *Administrative sanctions* are sanctions applied to administrative violations or provisions in laws that are administrative. Administrative sanctions have the nature of a reparatoir, which means restoring the situation to how it was before. 23 In Article 61 Government Regulation (PP) Number 35 of 2021 concerning Work Agreements for Specific Periods, Outsourcing, Working Time and Rest Time, and Termination of Employment, administrative sanctions can be in the form of:

1. Written warning;
2. Cancellation of business activities;

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3. Temporary suspension of part or all of the means of production; and
4. Freezing of business activities.

However, administrative sanctions apply only to a few articles in these regulations. This condition has resulted in many companies arbitrarily laying off their employees unilaterally. Therefore, the government needs to establish rules regarding sanctions that can be imposed on companies that carry out layoffs unilaterally, considering the large number of workers who suffer as a result of this (Aponno & Arifiani, 2021).

IV. CONCLUSION

Termination of Employment relationship is the termination of an employment relationship due to a particular matter which results in the termination of rights and obligations between Worker/Laborer and Employer. In Government Regulation Number 35 of 2021, the provisions regarding layoffs are regulated explicitly in articles 36 to 59, which discuss the procedures for termination of employment and rights due to termination of employment. The most important legal protection in termination of employment relates to the correctness of the reasons for layoffs. If workers are laid off, but the company does not follow the existing procedures in carrying out the layoff process, then this is contrary to human rights. The truth of the reasons originating from the way the layoffs occur is twofold, namely from the employers and the workers. The truth of the reasons on the part of the workers can be classified into two, namely because of the reasons the workers resign or because of urgent reasons that cause the workers to be unable to continue their working relationship. Workers who experience Termination of Employment (PHK) then do not get their rights and can file legal remedies through administrative efforts. The settlement can be through bipartite efforts between workers and employers as parties involved in the employment relationship. If an agreement is reached in the negotiations, then the result of the agreement has legal force. However, if the negotiations do not agree, you can ask for advice from the local manpower office.

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