

Social Justice Dynamics in the Implementation of the Job Creation Law in the Globalization Era

Difa Rose Meilia¹

¹Universitas Negeri Yogyakarta, Yogyakarta, Indonesia

Abstract

Article history:

Received: July 9, 2024

Revised: August 25, 2024

Accepted: October 4, 2024

Published: December 30, 2024

Keywords:

Globalization,
Labor,
Social Justice,
Social Policy,
Workers.

Identifier:

Nawala

Page: 86-104

<https://nawala.io/index.php/ijgspa>

This study analyzes the effectiveness of the implementation of Law Number 6 of 2023 concerning Job Creation in ensuring workers' rights and social welfare amid the demands of global labor market flexibility. The method used is normative juridical, by examining the provisions of labor law, principles of social justice, and academic literature related to labor policy in Indonesia. The results of the study show that although the Job Creation Law is able to improve economic efficiency and strengthen the investment climate, its implementation still faces major challenges in terms of legal protection for workers, especially in the informal sector and the digital economy. In addition, the bargaining position of trade unions is weakening due to the flexible work system that tends to be individualistic. This research emphasizes that national labor policies need to be readjusted to be able to balance economic interests and social justice. It is necessary to strengthen derivative regulations, increase supervisory capacity, and integrate social protection for all types of workers in order to realize a sustainable and fair labor system in the era of globalization.

1. Introduction

Economic globalization has significantly changed the dynamics of social and employment policies in Indonesia. Capital mobility, technological transformation, and labor market liberalization are forcing countries to adjust regulations to remain competitive at the global level. In this context, Indonesia's employment policy has undergone a major transformation through the birth of Law Number 6 of 2023 concerning Job Creation, which replaces some of the provisions in Law Number 13 of 2003 concerning Manpower. This reform aims to strengthen investment, simplify licensing, and create flexibility in employment relations. However, on the other hand, this regulation has given rise to a long debate about how social justice and workers' rights can remain guaranteed in the midst of global economic competition.¹

In the era of globalization, the relationship between the state, the market, and labor has become increasingly complex. Increased labor flexibility is often accompanied by a decline in social protection, which threatens the stability of workers' welfare. According to Hirawan et al.,² employment policies in Indonesia after the implementation of the Job Creation Law show a shift in orientation from protection to efficiency. Employers gain convenience through contract work and outsourcing systems, but for workers, this situation creates uncertainty in employment status as well as weak social security. This condition marks the birth of new tensions between economic interests and social protection.

¹ Tri Widya Kurniasari. "Kepastian hukum terhadap perlindungan pekerja outsourcing pasca undang-undang nomor 11 tahun 2020 tentang cipta kerja." *Jurnal Geuthèè: Penelitian Multidisiplin* 5, no. 2 (2022): 123-136.

² Fajar B. Hirawan, Adinova Fauri, Henriko Tobing, and Muhyiddin Muhyiddin. "Kajian UU 11/2020 tentang Cipta Kerja klaster ketenagakerjaan: Studi pada regulasi pengupahan, PHK, dan pesangon." *Jurnal Ketenagakerjaan* 18, no. 1 (2023): 1-13.

The Job Creation Law is designed to address structural challenges in the job market, such as low productivity and high unemployment. However, as noted by Reykasari,³ its application actually shows a gap between legal ideals and social reality, especially in the context of contract workers and outsourcing. Many cases show that companies are using regulatory loopholes to avoid liability to workers, such as not providing severance pay or proper social security. This reflects the weak labor supervision and legal protection that is still not balanced with the dynamics of industrial globalization.

Labor flexibility policies also pose a dilemma for workers in the informal sector and the digital economy. Based on data from the Central Statistics Agency in 2023, around 60% of Indonesian workers are in the informal sector without social security and clear employment relationships. In this context, according to Amalia and Masruroh,⁴ regulations that are supposed to protect have not been able to reach the reality of the workforce in the platform economy era. The phenomenon of application workers such as online motorcycle taxis and logistics couriers shows a new form of job uncertainty where they are called “partners” without formal rights as workers. The protests that occurred throughout 2023 from Gojek and Grab drivers are a clear example of regulatory gaps that have not been comprehensively resolved.⁵

³ Yunita Reykasari. “Perlindungan Terhadap Tenaga Kerja Menurut Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja.” *Jurnal Penelitian Ilmu Sosial dan Eksakta* 3, no. 1 (2023): 85-92.

⁴ Hamsar Suci Amalia and Marwah Masruroh. “Perlindungan Hukum Pekerja Dengan Perjanjian Kerja Waktu Tertentu Berdasar Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan.” *Jurnal Ilmiah Research Student* 1, no. 2 (2023): 596-601.

⁵ Nirwana Hendri Sulistyo. “Perlindungan Hak Pekerja Atas Pemutusan Hubungan Kerja Dengan Alasan Pandemi Covid-19 Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja: Protection of Workers Rights

In addition, the bargaining position of the trade union has weakened due to the increasingly flexible structure of the employment relationship. Law Number 21 of 2000 concerning Trade Unions does guarantee the right to unionize, but its implementation faces great challenges in dealing with the short-term contract work system. According to Dewi and Basir,⁶ many companies, especially in the digital and manufacturing sectors, avoid the existence of unions because they are considered to hinder efficiency. As a result, workers lose the forum for collective bargaining and rely on individual contracts that often do not favor the interests of the workers. In the framework of social justice, this condition weakens the principle of equality that should be the basis of employment policy.⁷

From a social perspective, the issue of justice in employment is not only related to legal protection, but also the equitable distribution of economic benefits. Adiwinarto et al.⁸ emphasized that worker welfare is an integral part of sustainable development that places humans at the center of economic growth. However, amid the pressures of globalization and investment competition, policy orientation often favors the interests of capital over social welfare. The inequality between formal and informal workers, as well as weak protections for digital workers and disabilities,⁹

for Termination of Employment for The Reasons of The Covid-19 Pandemic Based on Law Number 11 of 2020 Concerning Job Creation.” *Reformasi Hukum* 25, no. 1 (2021): 57-76.

⁶ Mira Nila Kusuma Dewi and Abd Basir. “Indonesia’s Omnibus Law and Protection of Labor Rights.” *Amsir Law Journal* 5, no. 1 (2023): 66-73.

⁷ Memed Hermanto and Sri Budi Purwaningsih. “Critical review on new Indonesia law on labour rights.” *Indonesian Journal of Law and Economics Review* 13 (2021): 10-21070.

⁸ Sulistio Adiwinarto, Tegar Pamungkas Putra Mahardika, and Titan Leeavi. “Kepastian Hukum Tentang Kesejahteraan Tenaga Kerja Dalam Perspektif Undang-Undang Cipta Kerja.” *National Multidisciplinary Sciences* 2, no. 4 (2023): 349-355.

⁹ Vanda Milleniar. “Perlindungan hukum bagi pekerja disabilitas yang dikecualikan sebagai penerima manfaat sistem jaminan kehilangan pekerjaan.” *COURT REVIEW: Jurnal Penelitian Hukum* 2, no. 04 (2022): 49-61.

show that the social justice agenda has not been fully integrated into policy implementation practices.

Based on these dynamics, two main questions arise that need to be answered in this study. First, how effective is the implementation of Law Number 6 of 2023 concerning Job Creation in ensuring the protection of workers' rights and social welfare amid the demands of global labor market flexibility? Second, what are the main challenges faced by Indonesia in balancing labor flexibility with social justice after the enactment of the regulation, and why is labor policy adjustment a national urgency in the era of economic globalization? These two questions will serve as the basis for analysis in assessing the extent to which Indonesia's labor policy is able to face global challenges without sacrificing workers' rights and social justice principles.

2. Methods

This study uses a normative juridical method, which focuses on the study of the prevailing positive legal norms and doctrinal analysis of laws and regulations related to employment in Indonesia. This approach was chosen because the problems studied are directly related to the effectiveness of the implementation and challenges of the implementation of Law Number 6 of 2023 concerning Job Creation in guaranteeing workers' rights and realizing social justice. Through this method, the research not only studies the text of the law formally, but also examines the principles, principles, and legal doctrines that are the basis for its formation.

The normative juridical approach is carried out by examining primary, secondary, and tertiary legal materials. Primary legal materials include laws and

regulations that are the object of research, including Law Number 6 of 2023 concerning Job Creation, Law Number 13 of 2003 concerning Manpower, and Law Number 21 of 2000 concerning Trade Unions/Trade Unions. Secondary legal materials include scientific literature such as journals, research results, employment law books, as well as academic articles relevant to the dynamics of social policy and workers' rights. Meanwhile, tertiary legal materials consist of legal dictionaries and legal encyclopedias that help provide a conceptual understanding of the legal terms or concepts used.

This method emphasizes the statute approach and conceptual approach. The legislative approach is used to examine the hierarchy, consistency, and integration between regulations in the national labor law system, especially in the context of changes brought by the Job Creation Law to the previous provisions. Conceptual approaches are used to interpret the meaning and scope of legal protection for workers, including basic rights, social justice, and equality principles regulated in modern labor policies.

In its implementation, the research is carried out through qualitative analysis of the content of laws and regulations and relevant legal literature. This analysis aims to identify the extent to which the legal norms in the Job Creation Law are in line with the goals of labor law, namely protection, welfare, and justice for workers. Furthermore, the results of this normative study are used to answer the two main focuses of the research, namely the effectiveness of the implementation of regulations and the challenges that arise in employment practices in the era of globalization.

The results of the analysis were then compiled systematically through descriptive, interpretive, and evaluative stages. The descriptive stage describes the content and substance of the legal provisions objectively; interpreting the meaning of the law in accordance with the principles of justice and social welfare; Meanwhile, the evaluative stage assesses the conformity between legal norms and factual conditions in the field. With this normative juridical method, the research is expected to make a theoretical contribution to the development of Indonesian labor law and offer a balanced policy perspective between economic efficiency and social protection for workers in the era of globalization.

3. Results and Discussion

3.1. The Effectiveness of the Implementation of Law Number 6 of 2023 in Ensuring the Protection of Workers' Rights and Social Welfare

The implementation of Law Number 6 of 2023 concerning Job Creation is an important milestone in Indonesia's labor reform, as it is the government's effort to adapt the labor law system to the challenges of globalization and the dynamics of the modern labor market. This regulation replaces several provisions in Law Number 13 of 2003 concerning Manpower, with the aim of increasing the flexibility of employment relationships and creating a more competitive investment climate. However, in practice, the effectiveness of the implementation of the Job Creation

Law is still a debate because it has not been fully able to balance economic interests and social protection for workers.¹⁰

The Job Creation Law brings substantial changes in various aspects of employment, such as the fixed-time work agreement (*Perjanjian Kerja Waktu Tertentu/PKWT*) system, outsourcing mechanisms, wage policies, and severance pay and termination of employment (*Pemutusan Hubungan Kerja/PHK*). According to Amalia and Masruroh,¹¹ the main purpose of this revision is to provide flexibility for the business world to be more adaptive to market changes. However, the implementation of this flexibility actually creates job uncertainty, especially for contract workers who do not have adequate work continuity and severance pay guarantees. On the other hand, employers gain flexibility in labor management, so that there is an imbalance in bargaining positions between workers and companies.

From the administrative side, the implementation of the Job Creation Law has been followed by the issuance of a number of derivative regulations, such as Government Regulation (*Peraturan Pemerintah/PP*) Number 35 of 2021 concerning PKWT, Outsourcing, Working Time and Layoffs, and Government Regulation Number 36 of 2021 concerning Wages. The presence of this regulation aims to provide legal certainty and implementation guidelines in the field. However, as stated by Reykasari,¹² these technical provisions have not been fully able to overcome the

¹⁰ Tri Widya Kurniasari. "Kepastian hukum terhadap perlindungan pekerja outsourcing pasca undang-undang nomor 11 tahun 2020 tentang cipta kerja." *Jurnal Geuthèë: Penelitian Multidisiplin* 5, no. 2 (2022): 123-136.

¹¹ Hamsar Suci Amalia and Marwah Masruroh. "Perlindungan Hukum Pekerja Dengan Perjanjian Kerja Waktu Tertentu Berdasar Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." *Jurnal Ilmiah Research Student* 1, no. 2 (2023): 596-601.

¹² Yunita Reykasari. "Perlindungan Terhadap Tenaga Kerja Menurut Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja." *Jurnal Penelitian Ilmu Sosial dan Eksakta* 3, no. 1 (2023): 85-92.

overlap between the flexibility policy and the principle of protection of workers' rights previously regulated in Law 13/2003. As a result, legal loopholes have emerged that have the potential to be used by companies to reduce labor costs by reducing social security and workers' normative rights.

One of the important aspects in measuring the effectiveness of the implementation of the Job Creation Law is its impact on social welfare and legal protection for workers. Hirawan et al.¹³ found that although this regulation is able to improve labor market efficiency and encourage investment growth, the benefits have not been felt equally by all levels of workers. Workers in the formal sector are relatively more protected because they have a clear employment relationship, while informal workers and workers in the digital sector still face uncertainty over their legal status. This phenomenon shows that Indonesia's labor policy still focuses on economic growth without being balanced with the strengthening of social welfare instruments.

Cases of job uncertainty are increasingly evident in the digital economy sector. Based on a study by Sulistyo,¹⁴ online motorcycle taxi drivers such as Gojek and Grab often experience unfair treatment because of their status as "partners", not "workers". This condition causes them to not obtain normative rights such as social security, leave, and severance pay. The Job Creation Law has not explicitly regulated

¹³ Fajar B. Hirawan, Adinova Fauri, Henriko Tobing, and Muhyiddin Muhyiddin. "Kajian UU 11/2020 tentang Cipta Kerja klaster ketenagakerjaan: Studi pada regulasi pengupahan, PHK, dan pesangon." *Jurnal Ketenagakerjaan* 18, no. 1 (2023): 1-13.

¹⁴ Nirwana Hendri Sulistyo. "Perlindungan Hak Pekerja Atas Pemutusan Hubungan Kerja Dengan Alasan Pandemi Covid-19 Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja: Protection of Workers Rights for Termination of Employment for The Reasons of The Covid-19 Pandemic Based on Law Number 11 of 2020 Concerning Job Creation." *Reformasi Hukum* 25, no. 1 (2021): 57-76.

employment relations in a platform-based economy, thus creating a legal vacuum that has implications for weak social protection. This problem shows that regulations have not adapted to the global economic transformation that demands protection for non-traditional workers.¹⁵

From an institutional perspective, the effectiveness of the implementation of the Job Creation Law also depends on the function of labor supervision and the role of labor unions. In practice, weak supervisory capacity makes many labor violations undetected or not followed up effectively. According to Hermanto and Purwaningsih (2021), many companies implement a short-term contract work system repeatedly without changing the status of workers to permanent, which is contrary to the principle of fairness in labor law. On the other hand, unions are experiencing structural weakening due to increasingly individualistic changes in labor relations. In fact, Law Number 21 of 2000 concerning Trade Unions/Trade Unions emphasizes that freedom of association is a form of legal protection for workers' rights to fight for their welfare.

The gap between legal ideals and social reality is increasingly visible when viewed from the aspect of social security. According to Adiwinarto et al.,¹⁶ the implementation of the employment social security program (BPJS Ketenagakerjaan) is still not optimal, especially in the informal sector. Many workers are not registered due to limited access, low legal literacy, and lack of encouragement from employers.

¹⁵ Mira Nila Kusuma Dewi and Abd Basir. "Indonesia's Omnibus Law and Protection of Labor Rights." *Amsir Law Journal* 5, no. 1 (2023): 66-73.

¹⁶ Sulistio Adiwinarto, Tegar Pamungkas Putra Mahardika, and Titan Leeavi. "Kepastian Hukum Tentang Kesejahteraan Tenaga Kerja Dalam Perspektif Undang-Undang Cipta Kerja." *National Multidisciplinary Sciences* 2, no. 4 (2023): 349-355.

In fact, social security is the main instrument in ensuring the welfare of workers and their families. Thus, the effectiveness of the Job Creation Law in encouraging the welfare of workers is still limited to the normative level, not touching the implementation aspect as a whole.

On the other hand, Hariadi et al.¹⁷ assessed that the Job Creation Law brings the spirit of legal reform which is important to reorganize the Indonesian labor system to be more adaptive to the flow of globalization. However, this reform must be balanced with strong social policies so as not to give birth to new inequalities between workers and employers. The principle of social justice as mandated in Pancasila and the 1945 Constitution should be the main foundation in every employment policy, not just economic considerations.

By reviewing all of the above aspects, it can be concluded that the effectiveness of the implementation of Law Number 6 of 2023 is in a moderate position to improve the efficiency of the labor market, but it is not optimal in guaranteeing the rights and welfare of workers. There is a gap between the legal norms formulated and the factual conditions in the field. To realize a balance between economic efficiency and social justice, it is necessary to strengthen the capacity of supervisory institutions, revitalize the role of trade unions, and harmonize regulations that favor social protection for all types of workers. Thus, the effectiveness of the Job Creation Law is not only measured by its ability to create

¹⁷ David Hariadi, Hesti Wulan, and Sonya Claudia Siwu. "Analisis Yuridis Terhadap Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja." *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 3 (2023): 428-447.

jobs, but also by the extent to which it is able to ensure that economic growth runs side by side with the protection of workers' rights and sustainable social justice.

3.2. Main Challenges and Urgency of Adjustment of Manpower Policy After the Implementation of Law Number 6 of 2023

Labor law reform through Law Number 6 of 2023 concerning Job Creation presents new hope for the transformation of Indonesia's labor market, but at the same time also poses various complex structural challenges. In the context of globalization and the digital economy, the flexibility of the workforce regulated in this law is directly related to the need to protect workers' rights and the principles of social justice. According to Kurniasari,¹⁸ new post-regulation policies tend to be more in favor of the interests of economic efficiency and investment, while the social welfare aspect of workers is still a lagging issue.

The first and most prominent challenge is the inequality of protection between formal workers and informal workers. Data from the Central Statistics Agency (*Badan Pusat Statistik*/BPS) shows that in 2023, around 60% of Indonesia's workforce will still work in the informal sector without social security, without written contracts, and without adequate legal protection. This indicates that although the Job Creation Law seeks to expand employment opportunities, the benefits have not been fully felt by the most vulnerable groups of workers. Reykasari¹⁹ emphasized that labor flexibility does not automatically mean inclusivity, because the policy

¹⁸ Tri Widya Kurniasari. "Kepastian hukum terhadap perlindungan pekerja outsourcing pasca undang-undang nomor 11 tahun 2020 tentang cipta kerja." *Jurnal Genthèè: Penelitian Multidisiplin* 5, no. 2 (2022): 123-136.

¹⁹ Yunita Reykasari. "Perlindungan Terhadap Tenaga Kerja Menurut Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja." *Jurnal Penelitian Ilmu Sosial dan Eksakta* 3, no. 1 (2023): 85-92.

benefits the formal sector and large corporations that have access to economic and legal resources. Meanwhile, informal workers and daily laborers are increasingly marginalized in an increasingly competitive system.

The second challenge is the weakening of the bargaining position of the trade unions in the midst of a flexible work system. In practice, employment relationships based on short-term contracts and outsourcing make it difficult for workers to form unions or participate in collective bargaining. According to Dewi and Basir (2023), many companies, especially in the digital sector and labor-intensive industries, reject the existence of unions for reasons of efficiency and productivity. This condition shows a contradiction between the spirit of labor market liberalization and the guarantee of freedom of association regulated in Law Number 21 of 2000 concerning Trade Unions/Trade Unions. When freedom of association is impeded, workers' rights to living wages, human working hours, and social security are also threatened.

One of the real cases that illustrates this challenge is the protests of Gojek and Grab drivers in 2023 in various major cities such as Jakarta, Bandung, and Surabaya. They demanded recognition of legal status as "workers" and not just "partners" because this status caused them to not receive social security, minimum wage, or protection in the event of a work accident. This case shows the ambiguity of employment relations in a platform-based economy, which has not been explicitly accommodated in the Job Creation Law. According to Amalia and Masruroh,²⁰ this

²⁰ Hamsar Suci Amalia and Marwah Masruroh. "Perlindungan Hukum Pekerja Dengan Perjanjian Kerja Waktu Tertentu Berdasar Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." *Jurnal Ilmiah Research Student* 1, no. 2 (2023): 596-601.

situation shows a serious legal vacuum, where digital workers become part of a new economic system without certainty of employment status and proper social protection.

Furthermore, Hirawan et al.²¹ highlights that the flexible work system in the Job Creation Law has a double effect: on the one hand it encourages an increase in industrial efficiency, but on the other hand it expands the phenomenon of “precariat labor”, which is a group of workers who live in economic uncertainty, without social security and job stability. This phenomenon marks the emergence of a new social class that is vulnerable to economic exclusion amid growth in investment and industrialization. Adiwinarto et al.²² also added that workers in the informal sector and gig economy face double risks: income uncertainty and the absence of an effective legal protection system.

The next challenge is related to the weak capacity of labor supervision. Many reports indicate that violations of legal provisions are still common, such as violations of working hours, wages below minimum standards, and evasion of social security payments. Hariadi et al.²³ noted that the government does not have an adequate supervisory system to crack down on these violations, because the number of labor supervisors is not proportional to the number of companies throughout

²¹ Fajar B. Hirawan, Adinova Fauri, Henriko Tobing, and Muhyiddin Muhyiddin. “Kajian UU 11/2020 tentang Cipta Kerja klaster ketenagakerjaan: Studi pada regulasi pengupahan, PHK, dan pesangon.” *Jurnal Ketenagakerjaan* 18, no. 1 (2023): 1-13.

²² Sulistio Adiwinarto, Tegar Pamungkas Putra Mahardika, and Titan Leeavi. “Kepastian Hukum Tentang Kesejahteraan Tenaga Kerja Dalam Perspektif Undang-Undang Cipta Kerja.” *National Multidisciplinary Sciences* 2, no. 4 (2023): 349-355.

²³ David Hariadi, Hesti Wulan, and Sonya Claudia Siwu. “Analisis Yuridis Terhadap Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja.” *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 3 (2023): 428-447.

Indonesia. This condition is exacerbated by the low literacy of labor law among workers, so that many cases of violations are not reported or resolved informally without a clear legal basis.

In the context of social justice, Hermanto and Purwaningsih²⁴ emphasized that labor policies that overemphasize flexibility tend to ignore the humanitarian dimension and distributive justice. When social protection is weakened, the gap between workers and employers widened. This not only threatens the well-being of individual workers, but also poses wider social implications, such as declining productivity and rising social inequality.

In terms of public policy, Sulistyo²⁵ argues that labor reform must consider the balance between economic efficiency and social protection. Otherwise, the main goal of national development, which is to create equitable welfare, will be difficult to achieve. Therefore, there is a need for national policy adjustments that are able to accommodate changes in the global work structure, including the recognition of digital workers, the strengthening of social security for informal workers, and the increasing capacity of trade unions in the fight for collective rights.

The urgency of this policy adjustment is even stronger given the changing structure of the world economy that is moving towards the digital economy and gig economy, where the boundaries between formal and informal work are increasingly

²⁴ Memed Hermanto and Sri Budi Purwaningsih. "Critical review on new Indonesia law on labour rights." *Indonesian Journal of Law and Economics Review* 13 (2021): 10-21070.

²⁵ Nirwana Hendri Sulistyo. "Perlindungan Hak Pekerja Atas Pemutusan Hubungan Kerja Dengan Alasan Pandemi Covid-19 Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja: Protection of Workers Rights for Termination of Employment for The Reasons of The Covid-19 Pandemic Based on Law Number 11 of 2020 Concerning Job Creation." *Reformasi Hukum* 25, no. 1 (2021): 57-76.

blurred. According to Milleniar,²⁶ without policy reforms that favor vulnerable working groups, Indonesia risks creating new inequalities in the labor market that are contrary to the principles of social justice. Therefore, the state has a responsibility to ensure that every worker, whether in the formal and informal sectors, receives equal legal and social protection.

Thus, the two main challenges, namely the inequality of worker protection and the weak bargaining position of trade unions, show that the implementation of the Job Creation Law has not fully met the principles of social justice. The urgency of adjusting labor policy is becoming increasingly urgent to ensure a balance between economic growth and the protection of workers' basic rights. Further reforms are needed not only to strengthen the competitiveness of the industry, but also to ensure that any employment policy is based on human values, equality, and social justice as mandated in the Indonesian constitution.

4. Conclusion

Based on the results of the analysis of the implementation of Law Number 6 of 2023 concerning Job Creation in the context of social and employment policies, it can be concluded that this legal reform has a double impact on the world of work in Indonesia. On the one hand, the Job Creation Law has succeeded in creating the flexibility needed to drive labor market efficiency and attract investment in the era of globalization. However, on the other hand, such flexibility has not been fully

²⁶ Vanda Milleniar. "Perlindungan hukum bagi pekerja disabilitas yang dikecualikan sebagai penerima manfaat sistem jaminan kehilangan pekerjaan." *COURT REVIEW: Jurnal Penelitian Hukum* 2, no. 04 (2022): 49-61.

balanced with adequate protection of workers' basic rights, especially for those in the informal sector and the digital economy. The effectiveness of the implementation of this regulation is still moderate because it has not been able to ensure the welfare of workers equally. Inequality between the formal and informal sectors, the weak bargaining position of trade unions, and the lack of labor supervision capacity are the main obstacles in realizing social justice.

Cases such as digital platform workers and employment contract violations show that the principles of legal protection and certainty have not been optimally implemented. The urgency in the future is to strengthen derivative policies and supervision systems, integrate protection for all types of workers, and uphold the principle of social justice as the basis of labor law. Thus, the direction of Indonesia's labor policy needs to move towards a balance between economic efficiency and the protection of workers' rights in a sustainable manner.

References

Adiwinarto, Sulistio, Tegar Pamungkas Putra Mahardika, and Titan Leeavi. "Kepastian Hukum Tentang Kesejahteraan Tenaga Kerja Dalam Perspektif Undang-Undang Cipta Kerja." *National Multidisciplinary Sciences* 2, no. 4 (2023): 349-355.

Amalia, Hamsar Suci, and Marwah Masruroh. "Perlindungan Hukum Pekerja Dengan Perjanjian Kerja Waktu Tertentu Berdasar Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." *Jurnal Ilmiah Research Student* 1, no. 2 (2023): 596-601.

Dewi, Mira Nila Kusuma, and Abd Basir. "Indonesia's Omnibus Law and Protection of Labor Rights." *Amsir Law Journal* 5, no. 1 (2023): 66-73.

Hariadi, David, Hesti Wulan, and Sonya Claudia Siwu. "Analisis Yuridis Terhadap Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja." *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 9, no. 3 (2023): 428-447.

Hermanto, Memed, and Sri Budi Purwaningsih. "Critical review on new Indonesia law on labour rights." *Indonesian Journal of Law and Economics Review* 13 (2021): 10-21070.

Hirawan, Fajar B., Adinova Fauri, Henriko Tobing, and Muhyiddin Muhyiddin. "Kajian UU 11/2020 tentang Cipta Kerja klaster ketenagakerjaan: Studi pada regulasi pengupahan, PHK, dan pesangon." *Jurnal Ketenagakerjaan* 18, no. 1 (2023): 1-13.

Kurniasari, Tri Widya. "Kepastian hukum terhadap perlindungan pekerja outsourcing pasca undang-undang nomor 11 tahun 2020 tentang cipta kerja." *Jurnal Geuthèë: Penelitian Multidisiplin* 5, no. 2 (2022): 123-136.

Milleniar, Vanda. "Perlindungan hukum bagi pekerja disabilitas yang dikecualikan sebagai penerima manfaat sistem jaminan kehilangan pekerjaan." *COURT REVIEW: Jurnal Penelitian Hukum* 2, no. 04 (2022): 49-61.

Reykasari, Yunita. "Perlindungan Terhadap Tenaga Kerja Menurut Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja." *Jurnal Penelitian Ilmu Sosial dan Eksakta* 3, no. 1 (2023): 85-92.

Sulistyo, Nirwana Hendri. "Perlindungan Hak Pekerja Atas Pemutusan Hubungan Kerja Dengan Alasan Pandemi Covid-19 Berdasarkan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja: Protection of Workers Rights for Termination of Employment for The Reasons of The Covid-19 Pandemic Based on Law Number 11 of 2020 Concerning Job Creation." *Reformasi Hukum* 25, no. 1 (2021): 57-76.