



Misuse of the Concept of Loyalty as a Legitimacy of Wage Rights Violations and Working Time Restrictions: An Analysis of Labor Law Protection in Indonesia

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Abstract

The development of modern work culture has given birth to the phenomenon of abuse of the concept of loyalty which is often used as legitimacy to justify the provision of work outside the normal working time limit without the fulfillment of the right to overtime wages. This condition creates an imbalance in employment relations and has the potential to ignore the normative rights of workers guaranteed by labor law. This study aims to analyze the legal protection of wage rights and work time restrictions and examine the abuse of the concept of loyalty as a form of legitimacy of violations of workers' rights in labor relations in Indonesia. This study uses a legal research method with a normative juridical approach supported by an empirical juridical approach. Data was obtained through literature studies of laws and regulations, books, scientific journals, and relevant legal documents, then analyzed qualitatively using descriptive-analytical methods. The results of the study show that the provisions regarding working time, overtime, and wages have been comprehensively regulated in laws and regulations, but their implementation has not been fully effective due to the development of a work culture that identifies loyalty with a willingness to work indefinitely and without proper compensation. This practice shifts the meaning of loyalty from ethical values to an instrument of exploitation that is contrary to the principle of labor law protection. This study concludes that loyalty cannot be used as an excuse to reduce or eliminate workers' normative rights. Therefore, it is necessary to strengthen labor supervision and develop a culture of industrial relations that places the protection of workers' rights as an integral part of increasing company productivity.

I. INTRODUCTION

The development of working relationships in the modern era has brought significant changes to the way companies build organizational culture and manage human resources. On the one hand, the concept of loyalty is seen as a positive value that can increase commitment, productivity, and the sustainability of the working relationship between workers and employers. Loyalty is essentially a form of dedication born from the awareness of workers to carry out their duties professionally, protect the interests of the company, and make the best contribution in accordance with the rights and obligations that have been agreed. However, in contemporary industrial relations practice, the meaning of loyalty has undergone a fairly fundamental shift. Loyalty is no longer positioned as an ethical value that grows voluntarily, but is often used as an instrument to form moral pressure to make workers willing to sacrifice their rights without

obtaining adequate legal protection. This shift has given birth to a new phenomenon in employment relations, namely the abuse of the concept of loyalty as legitimacy for practices that are contrary to labor law norms (Sa'diyah et al., 2021).

This phenomenon can be seen from the growing work culture that identifies loyalty with a willingness to work beyond normal working hours, always be available outside of working hours, ignore rest time, and accept additional workloads without proper compensation. In many companies, workers who refuse to work outside of working hours or ask for overtime wages are considered to have no commitment to the company. On the other hand, workers who are willing to work late into the night, stay on holiday, or always respond to work instructions outside of working hours are often used as the ideal standard of loyalty. As a result, the measure of professionalism shifts from compliance with

employment contracts to the sacrifice of workers' normative rights. Such a culture slowly creates psychological pressure that causes workers to accept rights violations as a consequence that is considered reasonable in order to keep a job, obtain a promotion, or avoid the stigma of being a disloyal worker (Fajrianto, 2023).

This reality shows that the exploitation of labor relations in the modern era is no longer carried out through physical or administrative coercion alone, but has developed into a more subtle form of exploitation through the construction of organizational culture. Exploitation is not always manifested in the form of direct unlawful orders, but through the establishment of social norms in the work environment that encourage workers to voluntarily disregard their own rights. In such conditions, the line between voluntariness and coercion becomes increasingly blurred because workers' decisions to work beyond the provisions are often influenced by inequality of bargaining positions, economic dependence, and concerns about the sustainability of employment relationships. The situation shows that employment relations are not only influenced by legal norms, but also by symbolic power built through corporate culture (Charda, 2022).

The problem becomes even more complex when excessive work practices are not accompanied by the fulfillment of the right to overtime wages as guaranteed in laws and regulations. Not a few workers are asked to complete work outside normal working hours without a formal overtime order or compensation payment according to legal provisions. Even in some circumstances, additional working time is seen as part of the worker's moral responsibility so that the company no longer considers it as working time that must be counted as overtime. Such a practice is clearly contrary to the basic principles of labor law which places wages as the fundamental right of workers for every work done and limits working hours as an instrument of protection for human health, safety, and dignity.

Normatively, the Indonesian labor law system has clearly regulated the limits of working hours, the right to rest time, the mechanism for implementing overtime work, and the obligation of employers to pay overtime wages if workers are employed in excess of the provisions of normal working hours. This regulation is a manifestation of the function of labor law as an instrument of protection for parties who are economically in a weaker position in labor

relations. The legal protection aims to create a balance between the interests of the business world and the fulfillment of the basic rights of workers so that industrial relations do not develop into exploitative relationships. Therefore, the limitation of working hours and the obligation to pay wages are not just administrative problems, but part of the protection of human rights in the field of labor (Noble, 2021).

However, the existence of legal norms is not always followed by the effectiveness of their implementation. One of the main challenges in the enforcement of labor laws today stems from the development of practices that formally appear not to violate the law, but substantively eliminate protections for workers. The abuse of the concept of loyalty is an example of how organizational culture is able to shift the function of legal norms through the formation of social expectations that encourage workers to voluntarily give up their rights. In such a situation, violations of the law are no longer carried out through blatant rejection of the provisions of laws and regulations, but through the internalization of the value that a good worker is a worker who does not care about overtime wages, does not count working hours, and always prioritizes the interests of the company over his own normative rights. This pattern suggests that organizational culture can be an instrument of legitimacy for practices that are substantially contrary to the purpose of employment law (Arifuddin Muda Harahap, 2020).

This phenomenon is increasingly relevant in the midst of the development of digitalization of the world of work and the use of communication technology that eliminates the boundaries between workers' working time and personal lives. The ease of access to communication causes workers to continue to receive work instructions outside of working hours, at night, on holidays, even during the holiday period. This condition expands the form of work that is not always recorded as official working time, but still generates economic benefits for the company. In practice, workers often feel obliged to continue to respond to all these instructions in order to show loyalty to the company. As a result, the work time limit that has been set by law becomes increasingly difficult to implement because the employment relationship continues continuously without a clear separation between working time and rest time.

If this condition continues to be left unchecked, the function of labor law protection has the potential to shift from substantive protection to only formal protection. Companies can remain seen to comply with the provisions of the law through employment contracts and employment administration, while at the same time building an organizational culture that encourages workers to disregard their own rights. Thus, the main problem no longer lies in the emptiness of legal norms, but in the emergence of new mechanisms that are used to avoid the application of these norms through the legitimacy of the culture of loyalty. This shows that the effectiveness of legal protection is not only determined by the existence of laws and regulations, but also by the ability of the law to reach the labor relations practices that are developing dynamically in the modern business world.

Various previous studies on labor law protection generally still focus on normative aspects regarding the regulation of working hours, wages, overtime work, and the implementation of industrial relations based on the provisions of laws and regulations. Other research also discusses the effectiveness of labor supervision, industrial relations dispute resolution, or worker protection from a human rights perspective. However, there is still relatively limited research that specifically examines how the concept of loyalty as an ethical value in employment relationships has been transformed into an instrument of legitimacy used to justify violations of wage rights and restrictions on working hours. In fact, the change in the pattern of exploitation from a coercive form to an exploitation based on organizational culture is an increasingly real legal issue in the practice of industrial relations in Indonesia.

Based on this description, this study has an urgency to analyze how the abuse of the concept of loyalty develops as a legitimacy mechanism for violations of workers' rights to wages and work time restrictions, as well as to examine the extent to which labor law instruments in Indonesia are able to provide effective protection against this phenomenon. This research not only places the violation of workers' rights as a normative issue regarding compliance with laws and regulations, but also as a structural problem influenced by organizational culture, inequality in power relations in labor relations, and the weak effectiveness of legal protection in dealing with modern forms of exploitation. Thus, this research

is expected to be able to make an academic contribution to the development of labor law studies as well as become the basis for strengthening a legal protection system that is more adaptive to changes in employment relations patterns in Indonesia.

II. RESEARCH METHODS

This study uses a legal research method with a normative juridical approach supported by an empirical juridical approach. The normative approach is used to analyze the laws and regulations governing wages, working hours, and overtime, while the empirical approach is used to examine the practice of abusing the concept of loyalty in employment relations in Indonesia. The research data consists of primary legal materials in the form of laws and regulations and secondary legal materials in the form of books, journals, scientific articles, and relevant official documents. Data collection was carried out through literature studies (*Library Research*), then analyzed qualitatively with descriptive-analytical methods to obtain an overview of the effectiveness of legal protection of workers' rights to wages and restrictions on working hours (Mahmud Marzuki, 2005).

III. RESULTS AND DISCUSSION

A. Legal Protection of Wage Rights and Restrictions on Working Hours in Employment Relations

Employment relations are basically legal relationships born from the existence of a work agreement between workers and employers that give rise to rights and obligations for each party. Although juridically the relationship is built on the principle of freedom of contract, in practice the employment relationship is never in a completely balanced position. Employers have economic strength, managerial authority, and the ability to determine company policies, while workers are in a relatively weaker position because they depend on work as a source of livelihood. This inequality is the main reason for the birth of the labor law as a protection instrument that aims to create a balance in industrial relations while preventing the abuse of power by employers (Rasmiaty, 2024).

From the perspective of the state of law, the protection of workers is not just a form of state intervention in private relations, but is the implementation of the constitutional mandate to ensure the fulfillment of the right of every citizen

to a decent job and livelihood. This guarantee is reflected in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which affirms that every citizen has the right to work and a decent livelihood for humanity. In addition, Article 28D paragraph (2) of the 1945 Constitution also provides a guarantee that everyone has the right to work and receive fair and decent remuneration and treatment in employment relationships. The provision shows that the employment relationship is not solely seen as a contractual relationship between workers and employers, but also as a legal relationship that contains a dimension of human rights protection (Rosifany, 2020).

The principle of protection was then implemented in Law Number 13 of 2003 concerning Manpower as amended through Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law along with Government Regulation Number 35 of 2021. The entire regulation places the right to wages, restrictions on working hours, rest time, and compensation for overtime work as normative rights that must be fulfilled by every employer. Thus, the regulation of working time is not only aimed at regulating the company's productivity, but also to maintain a balance between the company's economic interests and the protection of the physical, psychological, and social life of workers (Jahari & Artita, 2023).

The right to wages is one of the fundamental rights in employment relations because it is a form of appreciation for the energy, skills, and time that workers have given to the company. Wages not only have an economic dimension as a source of fulfilling the living needs of workers and their families, but also have a legal dimension as a consequence of the implementation of work performance. Therefore, every work done by workers, including work done outside normal working hours, is obliged to receive compensation in accordance with the provisions of laws and regulations. Neglect of the payment of overtime wages is not only an administrative violation, but also a form of violation of the normative rights of workers that is directly contrary to the purpose of establishing labor law (Budijanto, 2017).

In addition to wage protection, labor law also pays great attention to working time restrictions. The provisions regarding working time as stipulated in Article 77 of the Manpower Law stipulate that working time is carried out for 7

(seven) hours in one day and 40 (forty) hours in one week for the six-day system or 8 (eight) hours in one day and 40 (forty) hours in one week for the five-day system. These restrictions are not merely administrative restrictions, but are a form of legal protection aimed at maintaining the health, safety, productivity, and quality of life of workers. The longer the working time without adequate rest will increase the risk of fatigue, reduce work concentration, increase the likelihood of work accidents, and have an impact on the psychological condition of workers.

In certain circumstances, the law does provide room for companies to hire workers beyond normal working hours through overtime mechanisms. However, the implementation of overtime work cannot be carried out unilaterally by the employer. Article 78 of the Manpower Law jo. Government Regulation Number 35 of 2021 stipulates that the implementation of overtime work must be based on the consent of the worker and must be accompanied by the payment of overtime wages in accordance with applicable regulations. The arrangement shows that overtime work is essentially an exception to the normal working time provisions, not a habit that is carried out continuously in the company's operations. Therefore, if the company makes overtime work a work pattern that takes place every day without fulfilling the workers' rights to overtime wages, then the practice has deviated from the purpose of labor law (Kennedy, 2024).

The problems that are developing in industrial relations practices today show that violations of working time provisions are no longer carried out through company policies that are blatantly contrary to laws and regulations. Instead, violations are often committed through a more subtle approach by building an organizational culture that identifies loyalty with workers' willingness to work without knowing time limits. In such conditions, workers who refuse to work outside of working hours or request payment of overtime wages are often perceived as individuals who lack dedication to the company. In contrast, workers who are willing to work late into the night, remain active on holidays, or can always be contacted outside of working hours are seen as highly loyal workers. This phenomenon shows a shift in the meaning of loyalty from professional ethical values to instruments used to form moral pressure on workers to ignore their normative rights.

Such a practice is basically contrary to the principle of legal protection in employment relations. Loyalty is a moral value that is voluntary and cannot be enforced through the reduction or elimination of workers' rights. A permanent employment relationship must be based on a balance between the employee's obligation to perform his work professionally and the employer's obligation to fulfill all workers' rights as guaranteed by law. Therefore, loyalty cannot be used as a justification for eliminating the right to overtime wages or extending working hours beyond the limits determined by laws and regulations (Azis et al., 2019).

On the other hand, the development of information technology has further expanded the space for violations of working time restrictions. The use of digital communication applications causes workers to continue to receive work instructions outside of working hours, during weekends, even when exercising leave rights. These activities are often not counted as working time because they are considered a form of commitment to the company. In fact, if workers are still required to carry out work that provides economic benefits to the company, then substantially these activities are part of the employment relationship that should receive legal protection. This condition shows that the current employment law challenges are no longer only related to formal violations, but also to modern exploitative practices wrapped up in work culture and loyalty narratives.

Based on this description, it can be understood that legal protection of wage rights and restrictions on working hours are fundamental instruments in realizing fair and balanced industrial relations. Arrangements regarding working time, overtime, and wage payment are not just administrative provisions that can be negotiated through the company's culture, but are normative rights that must be fulfilled by every employer. Thus, any practice that uses the concept of loyalty as a basis for justifying to extend working hours without proper compensation is essentially a form of abuse of loyalty values that is contrary to the principles of labor law and the purpose of protecting workers in Indonesia.

B. Misuse of the Concept of Loyalty as a Legitimacy of Violations of Workers' Rights

The concept of loyalty is basically an ethical value that has an important role in building a harmonious working relationship between workers and employers. Loyalty reflects the

commitment of workers in carrying out their work professionally, safeguarding the interests of the company, and contributing to the achievement of organizational goals. From the perspective of labor law, loyalty is part of the implementation of workers' obligations as born from an employment relationship based on an employment agreement. However, loyalty is not a legal concept that can be used as a basis for reducing or even eliminating workers' normative rights. Therefore, loyalty must be understood as a moral value that goes hand in hand with legal protection, not as a justification for setting aside the provisions of laws and regulations (Handoko, 2019).

In the practice of industrial relations in Indonesia, the concept of loyalty has undergone a significant shift in meaning. Not a few companies build organizational culture by placing loyalty as the main measure in assessing worker performance. Loyalty is no longer interpreted as dedication in carrying out duties according to the employment agreement, but is identified with the willingness of workers to work beyond normal working hours, receive additional work without compensation, remain active outside of working hours, and even sacrifice rest time and personal life for the benefit of the company (Mokoginta, 2022). These shifts indirectly create psychological pressures that cause workers to feel obliged to meet all the demands of the company even though it is contrary to the rights guaranteed by the law.

This phenomenon shows that the exploitation of labor in the modern era is not always carried out through direct coercive actions, but through the formation of a work culture that makes loyalty an instrument of legitimacy. Workers who question their right to overtime pay or refuse to work outside of working hours are often stigmatized as undedicated, less committed, or less supportive of the company's development. On the other hand, workers who are willing to work without taking into account time or compensation are actually seen as exemplary workers. Such a condition causes normative rights that should be protected by law to change as if it is a form of demand that is not appropriate for workers to file.

In fact, Indonesia's labor law system expressly guarantees the protection of workers' rights. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia provides a guarantee that every citizen has the right to work and a decent livelihood for humanity. Furthermore, Article 28D paragraph (2) emphasizes that everyone has the right to work and receive fair

and decent remuneration and treatment in employment relationships. The constitutional provisions are then further elaborated in Law Number 13 of 2003 concerning Manpower as amended through Law Number 6 of 2023, which provides protection for various normative rights of workers, including the right to wages, humane working time, rest time, leave, and payment of overtime wages (Siregar & Sharendova, 2023).

Protection of wages is one of the fundamental aspects of labor law. Article 88 of the Labor Law affirms that every worker has the right to earn an income that meets a decent livelihood for humanity. These provisions not only include the provision of basic wages, but also include the protection of the minimum wage, payment of overtime wages, payment of wages while exercising the right to rest, severance pay, wage payment procedures, and various other components aimed at providing legal certainty to workers (Y. S. Nugraha et al., 2023). Thus, any work done by workers outside normal working hours is required to be compensated according to the provisions of the law and cannot be abolished simply because of the demand for loyalty from the company.

In addition to the right to wages, labor law also provides protection for the certainty of employment relationships through regulations regarding Fixed-Time Work Agreements (PKWT) and Indefinite Time Work Agreements (PKWTT). The arrangement is intended to provide legal certainty for the status of workers while preventing abusive practices of employment relations that can harm workers. But in practice, workers with contract status often have a weaker bargaining position, making them more vulnerable to receiving requests to work outside of working hours without demanding their rights. Concerns about contracts not being renewed or the opportunity to get a job remain the main reasons workers choose to accept these conditions. This situation shows that the abuse of loyalty is often reinforced by the uncertainty of the employment relationship status (Nisa et al., 2023).

From the perspective of industrial relations, legal protection of workers is not intended to reduce the employer's right to manage the company. Instead, the law seeks to create a balance between the interests of employers to increase productivity with the right of workers to receive fair and humane treatment. Employers do have the authority to regulate the implementation

of work, set production targets, and evaluate worker performance. However, this authority is still limited by legal norms that prohibit any form of labor exploitation. Therefore, increasing company productivity should not be achieved through the elimination of wage rights, restrictions on working hours, or workers' right to rest.

Thus, legal protection for workers is not only interpreted as the existence of laws and regulations that regulate the rights and obligations of the parties, but also as a guarantee that no values, organizational culture, or company policies can be used as an excuse to override the normative rights of workers. Loyalty is a value that should be developed in employment relationships, but loyalty must not turn into an instrument that legitimizes violations of the right to wages and restrictions on working hours (Avianto et al., 2022). Therefore, any labor relations practice that uses loyalty as a basis for justification to eliminate workers' rights is essentially contrary to the principle of labor law protection and the state's goal of realizing fair, balanced, and equitable industrial relations.

C. Abuse of Loyalty as an Instrument of Exploitation in the Fulfillment of Wage and Working Time Rights

Loyalty in employment relationships is essentially a form of workers' commitment to carry out their obligations professionally, responsibly, and uphold the interests of the company without overriding their rights. Loyalty is born from a healthy working relationship, which is when there is a balance between the employee's obligation to provide work performance and the employer's obligation to fulfill the normative rights of workers. Thus, loyalty is not a stand-alone legal obligation, but rather a consequence of the creation of industrial relations that are fair, mutually respectful, and provide legal certainty for both parties (Ratry, 2021).

From the perspective of employment law, the right to wages is a fundamental right that cannot be separated from the employment relationship. Wages are rewards that must be given by employers to workers as a consequence of the energy, time, skills, and services that have been provided while carrying out work. Law Number 13 of 2003 concerning Manpower as amended through Law Number 6 of 2023 emphasizes that every worker has the right to earn an income that

is decent for humanity. The arrangement shows that wages are not a form of voluntary appreciation from the company, but a normative right that must be fulfilled based on the provisions of the law (K. P. Nugraha, 2023).

However, the development of the world of work shows a paradigm shift in the definition of loyalty. Not a few companies make loyalty the main indicator in assessing the dedication of workers. Loyalty is no longer understood as compliance with the implementation of work according to the employment agreement, but is identified with the willingness to work without knowing the deadline, accept additional workload without questioning compensation, and continue to provide services to the company outside of working hours. As a result, the right to overtime pay and restrictions on working time is slowly shifting to become a moral issue, no longer a legal right that must be fulfilled (Budijanto, 2017).

This phenomenon shows that loyalty has been transformed into an instrument of legitimacy for labor exploitation. Workers who ask for overtime pay or refuse to work outside of working hours are often perceived as workers who lack dedication to the company. On the other hand, workers who are willing to sacrifice personal time, stay on work on holidays, and are always ready to be contacted whenever they are considered loyal workers. Such a mindset creates psychological pressure that causes workers to feel guilty when they demand their own rights. Under these conditions, companies no longer need to force workers directly because the organizational culture has established a social control mechanism that encourages workers to sacrifice their rights voluntarily (Musrin et al., 2022).

This condition is contrary to the principle of labor law protection which places workers as parties who must obtain protection from the possibility of abuse of power in employment relationships. Loyalty cannot be used as an excuse to eliminate the right to wages, extend working hours without the consent of the worker, or ignore the obligation to pay overtime wages as stipulated in laws and regulations. In fact, the higher the productivity demands imposed on workers, the greater the company's responsibility to fulfill the normative rights of workers in a proportionate manner (Hidayat, 2021).

The formation of worker loyalty is actually influenced by various factors, including the availability of adequate work facilities, the provision of fair wages, welfare guarantees, safe

and healthy working environment conditions, certainty of employment status, proportionate workload, career development opportunities, and appreciation for workers' contributions. These factors show that loyalty is the result of the fulfillment of workers' rights, not the other way around. Therefore, the company cannot demand high loyalty if it still ignores the workers' rights to wages, rest time, and restrictions on working hours that have been guaranteed by law (Abdullah et al., 2024).

In addition, the development of digital technology has further expanded the practice of abuse of loyalty. The use of instant communication applications causes workers to continue to receive job instructions after working hours end, on holidays, even during holidays. These activities are often considered a form of loyalty and professionalism, even though they have substantially extended workers' working hours without a mechanism for calculating overtime wages. Such practices show that the exploitation of labor today no longer occurs only in physical work environments, but also through digital spaces that blur the boundaries between working time and workers' personal lives.

Based on this description, it can be understood that loyalty should be positioned as a result of fair and equitable employment relations, not as a tool to justify violations of workers' rights. Companies that fulfill the right to wages, provide a proportionate workload, respect rest time, and guarantee the certainty of employment relationships will find it easier to build worker loyalty naturally. On the other hand, if loyalty is used as an excuse to eliminate the right to overtime pay, extend working hours, or impose work outside the provisions of the law, then loyalty has turned into an instrument of exploitation that is contrary to the principle of labor law protection in Indonesia.

IV. CONCLUSIONS AND SUGGESTIONS

A. Conclusion

Legal protection of wage rights and restrictions on working hours are normative rights of workers guaranteed by the constitution and labor laws in Indonesia. However, in industrial relations practice, there is a growing abuse of the concept of loyalty which is used as legitimacy to justify the provision of work outside normal working hours without the fulfillment of the right to overtime wages and proper rest time. The shift in the meaning of loyalty from ethical

values to instruments of exploitation puts workers in a vulnerable position because the demands of professionalism are often used as an excuse to ignore their normative rights. Although the legal system has established work time limits, overtime mechanisms, and wage protections, its effectiveness still faces challenges due to a work culture that places loyalty as the primary measure of workers' dedication. Therefore, legal protection requires not only compliance with laws and regulations, but also a paradigm shift in industrial relations so that loyalty is understood as a consequence of the fulfillment of workers' rights, not as an excuse to reduce or eliminate these rights.

B. Suggestions

The government needs to strengthen supervision over the implementation of provisions regarding working time and overtime wages, while companies need to build a work culture that respects the balance between productivity and the fulfillment of workers' rights. On the other hand, workers need to increase their understanding of their normative rights so that loyalty is not misinterpreted as an obligation to sacrifice the legal protection that has been guaranteed by laws and regulations.

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