

LEGAL PROTECTION AGAINST TERMINATION OF EMPLOYMENT IN THE FRAMEWORK OF MAINTAINING THE CONTINUITY OF THE BUSINESS WORLD ASSOCIATED WITH INVESTMENT IN INDONESIA

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Abstract

Legal protection against termination of employment is protection given to workers affected by the termination of employment in the form of legal instruments, both preventive and repressive, both written and unwritten. At the same time, the formulation of the problem is 1). How is implementing the regulation regarding termination of employment (PHK) to provide certainty in the sustainability of the business world, 2). What is the government's role in terminating employment relations (PHK) to maintain the business world's continuity in relation to investment in Indonesia, 3) how are efforts to provide legal protection for entrepreneurs against termination of employment (PHK) to maintain the continuity of the business world related to investment in Indonesia. The research method uses normative and empirical juridical law research methods. Namely, the law is conceptualized as what is written in statutory regulations, or law is conceptualized as rules or norms, which are benchmarks for human behavior that are considered appropriate. The conclusions of this study include: 1) the application of regulations regarding termination of employment has yet to provide certainty in the sustainability of the business world. There are still many companies/employers who lay off workers but still need to fulfill their obligations following the provisions of the law. 2) The government's role in layoffs to maintain the business world's continuity is associated with an investment in Indonesia by guaranteeing workers' fundamental rights. 3). Efforts to protect the law against employers for termination of employment to maintain the business world's continuity associated with an investment in Indonesia, namely employers are required to fulfill workers' rights following Law Number 13 of 2003 concerning Manpower.

Keywords: Legal Protection, Termination of Employment, Business World, Investment.

INTRODUCTION

Indonesia is a rule-of-law country, the foundation that the country of Indonesia is a country of law is now clearly stated in Article 1, paragraph (3) of the Third Amendment of the 1945 Constitution of the Republic of Indonesia, which reads that the State of Indonesia is a country of laws (Winarno & Kewarganegaraan, 2014). Based on the law in carrying out any action, the state must be based on the law and can be legally justified (Hestu & Handoyo, 2015). Article 27, paragraph (2) of the 1945 Constitution states, "Every citizen has the right to work and a life worthy of humanity." Everyone can get this job through their efforts or by binding themselves with other parties. The existence of guarantees for every citizen regarding the right to get a job and a decent live in a world of work is one of the problems that often arise, namely Termination

of Employment (PHK). Protection of affected workers can be done either by providing guidance or by increasing the recognition of human rights, physical and technical protection, as well as social and economic through the norms that apply in the work environment (Lalu, 2005). In the protection of labor law, it is state interference in the possibility of exploitation by employers as economically strong against workers as economically weak. The weak must be protected, while employers (employers), even though they agree to protect workers, do not need it. Legal protection for workers is a safeguard so that workers can do decent work for humanity. One form of legal protection is work norms which include protection for workers related to working time, a wage system that is by laws and regulations stipulated by the Government, social obligations, and partly maintaining enthusiasm and work morale which guarantees efficient work efficiency. Furthermore, the treatment that follows dignity and morals” (Bambang & Joni, 2013). Legal protection protects human rights that other people harm, and this protection is given to the community so that they can enjoy all the rights granted by law (Rahardjo, 2006). R. La Porta said that the form of legal protection provided by a country has two characteristics, namely prevention (prohibition) and punishment (sanction) (Porta, 1999). Several laws and regulations have existed and applied in Indonesia relating to termination of employment (PHK) and settlement of labor disputes to provide legal protection for workers.

Legal protection in the form of compensation received by workers contained in the provisions of Article 156 paragraph (1) of the UUK states that in the event of termination of employment, the employer is required to pay severance pay (Gultom, 2005) and/or long service pay and compensation money that should accept (Law, 2003). Layoffs are a problem for workers because they lose their livelihood, which is the only source of income to support their families. For companies when layoffs occur, the company, namely the company, issues funds for retirement or severance pay or other benefits related to dismissal, as well as reprogramming the withdrawal of new workers, the same as before having to spend funds for compensation and employee development (Zulhartati, 2010). Layoffs will impact investment in Indonesia. Law Number 11 of 2020 concerning Job Creation aims to create jobs and increase foreign and domestic investment by reducing regulatory requirements for business licenses and land acquisition (R. Indonesia & Indonesia, 2020).

Problem Formulation

Based on the description above, the authors formulate the problems to be studied. Some of the problem formulations are:

1. How is applying the regulation regarding termination of employment (PHK) to provide certainty in the sustainability of the business world?
2. What is the government's role in terminating employment relations (PHK) to maintain the business world's continuity in relation to investment in Indonesia?
3. What are the efforts for legal protection for employers against termination of employment (PHK) to maintain the business world's continuity related to investment in Indonesia?

Theoretical framework

1. Theoretical Framework

a. Pancasila Philosophy Theory

Pancasila is a state philosophy born as a collective ideology (shared ideals) of the entire Indonesian nation. The philosophy of Pancasila is the result of the most profound thinking of the Indonesian people, which the Indonesian people consider, believe in, and are convinced of as something (reality, values, norms) that is the most correct, fairest, wisest, best and most appropriate. For the Indonesian people. Pancasila results from experts' deep, fundamental, careful, and systematic thinking for a long time (Darmodiharjo, 2006).

According to Notonagoro, Pancasila's philosophy provides scientific knowledge and understanding of Pancasila's nature. Pancasila philosophy can be defined as a critical and rational reflection on Pancasila as the basis of the state and the nation's cultural reality to obtain its basic and comprehensive understanding. Pancasila is said to be a philosophy because Pancasila is the result of deep soul contemplation carried out by the founding fathers, which was outlined in a system (Abdulgani, 1998).

b. Welfare State Theory

The state's welfare is believed to be a concept created by capitalists. Some Marxists explain that the welfare state is an attempt by capitalists to reduce the negative impacts arising from production and industrialization activities. Gosta Esping-Andersen, as written by Miftachul Huda, stated that the capitalist system creates pressure to build a welfare state. Critics of the welfare state say that it is a mechanism to maintain the power and position of the capitalists so that the bourgeoisie or workers feel protected and protected so that they do not carry out acts of anarchy such as social movements or revolutionary (Abdulgani, 1998).

c. Theory of Legal Certainty

Legal certainty is a guarantee that the law must be implemented in a good way. Legal certainty requires efforts to regulate law in legislation made by authorized and authoritative parties so that these rules have a juridical aspect that can guarantee certainty that the law functions as a rule that must be obeyed (Asikin, 2012).

Legal certainty, according to Jan Michiel Otto, defines as the possibility that in certain situations (Soeroso, 2011): 1) There are rules that are clear (clear), consistent, and easy to obtain, issued by, and recognized due to (power) of the state. 2) Authorities (government) apply these legal rules consistently and submit and obey them. 3) Citizens, in principle, adapt their behavior to these rules. 4) Independent and thoughtless judges (judiciary) consistently apply legal rules when resolving disputes. 5) The court's decision is concretely implemented.

d. Theory of Legal Protection

Law protects a person's interests by allocating power to act within his interests' framework. The allocation of this power is carried out measurably in the sense that its breadth and depth determine it. Such powers are called rights. Nevertheless, not every power in society can be

called a right, and only certain powers are responsible for attaching that right to someone (Rahardjo, 2012).

According to Fitzgerald, the beginning of the emergence of the theory of legal protection stems from the theory of natural law or the school of natural law. This school was pioneered by Plato, Aristotle (a student of Plato), and Zeno (founder of the Stoic school). The school of natural law states that law originates from God, universal and eternal, and law and morals cannot be separated. The adherents of this school view that law and morals are a reflection and regulation internally and externally of human life, which is manifested through law and morals (Rahardjo, 2012).

RESEARCH METHOD

The research method used in this study is empirical and normative juridical research. Empirical juridical research is legal research regarding the enactment or implementation of normative legal provisions in action in every particular legal event that occurs in society (Muhammad, 2004). At the same time, the use of normative juridical used in this research is normative legal research by examining library materials or secondary data materials, which include books and legal norms contained in statutory regulations and legal principles, legal principles, and reviewing statutory provisions. -invitations, court decisions, and other legal materials relevant to the research formulation (Jonaedi Efendi et al., 2018). Normative juridical research is legal research that refers to legal norms contained in statutory regulations (Junaedi Efendi et al., 2018).

RESULTS AND DISCUSSION

Discussion

Application of Regulations Concerning Termination of Employment in Order to Provide Certainty in the Continuity of the Business World

a. Arrangements Regarding Termination of Employment

1) Law Number 13 of 2003 concerning Manpower

In general, the continuity of the joint work bond between the company and the workforce is established if both parties still need each other and mutually comply with the agreement that was agreed upon when they started working together. The joint attachment between workers means that each party has rights and obligations. Vice versa, if there is a layoff, the manager is required to fulfill the rights and obligations of the workforce following the conditions at the time the contract occurred (Siswanto, 2005).

Article 1 Number 25 of Law Number 13 of 2003 concerning Manpower explains that termination of employment is because of a particular matter which results at the end of the rights and obligations between the Worker/Labourer and the entrepreneur (State Government, 2003). Provisions regarding termination of employment in this law cover termination of employment that occurs in business entities that are legal entities or not, owned by individuals,

owned by associations, or owned by legal entities, both privately owned and state-owned, as well as social and business ventures. -Other businesses with managers employ other people by paying wages or other forms of compensation (State Government, 2003).

Concerning its role in preventing layoffs, the government must make every effort to prevent layoffs from occurring through issued regulations that do not cause employers or companies to increase efficiency. Within the scope of the economic sector, the government should implement policies that can increase industrial enthusiasm, which can absorb a large number of workers. Terminating employment for the reasons referred to in Article 153 Paragraph (1) is null and void, and the entrepreneur is obliged to re-employ the Worker/Labourer concerned (PR Indonesia, 2003). Law Number 13 of 2003 concerning Manpower regulates procedures for implementing layoffs so that workers/laborers can use them as a reference to scrutinize layoff decisions made by employers/companies. The law requires employers/companies to apply for a permit to conduct layoffs at the Industrial Relations Dispute Settlement Institute (LPPHI).

Concerning layoffs' impact, which is very complex and tends to give rise to disputes, the mechanism and procedures for layoffs are regulated so that workers/laborers still receive proper protection and obtain their rights according to the provisions. The purpose and objective of this protection are so that the Worker/Labourer receives protection from arbitrary treatment and actions on the employer's part. The government pays attention to this protection issue because, in general, the position of Workers/Laborers is still weak, so the protection of work and work safety provided to Workers/Laborers will be able to realize the maintenance of the welfare, health, discipline of Workers/Laborers who are under the leadership/employers (Anwar, 1991).

Will be accepted if the entrepreneur has negotiated the layoff plan with the Worker/Workers Union or with the Worker/Labourer if the Worker/Labourer concerned is not a member of the Worker/Workers Union. As long as the PHI decision has not been stipulated, both employers and workers/laborers must continue to carry out all their obligations, or employers can take action to suspend workers/laborers who are in the process of being laid off while still being obliged to pay wages and other rights that workers/laborers usually receive (Hosni, 2004).

2) Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes

Work agreements adhere to the principle of freedom of contract. This principle frees the parties to determine the contents of the agreement and with whom the agreement is made. Work agreements agreed upon are binding on employers and workers and function as laws for the makers. In countries that adhere to individualism, the government is not allowed to interfere in making work agreements. In Indonesia, the government functions as a supervisor of the contents of work agreements so that there is a balance between individual interests and public interests. However, the industry requires the government to implement a social control mechanism for restitution in integrum (restoring society's balance to its original state) (Nurachmad, 2009).

Termination of employment is a daily problem that often occurs in society. In various cases, layoffs have sparked industrial relations conflicts between workers/laborers and employers.

Conflicts around layoffs often start from a need for more understanding on the part of both parties regarding a fair decision-making mechanism for each other's interests. Conflicts between workers/laborers and employers are usually centered on normative aspects, such as the amount of appropriate severance pay, gratuity pay, and compensation, all of which are part of real wage compensation (Number, n.d.).

3) Law Number 11 of 2020 concerning Job

Creation Law Number 11 of 2020 concerning Job Creation or commonly referred to as the Job Creation Law, aims to realize a new scheme for economic development in Indonesia (Kurniawan, 2020), even though it received much criticism and reaped cons from the public as well as causing political instability in that year. Significant regulation is titled Omnibus Law, which regulates employment and legal protection. The Omnibus Law is a concept for forming legislation that can replace several existing norms in several laws into one big unit (Prabowo, 2020).

According to Audrey O'Brien and Marc Bosc, the Omnibus Law is a draft law that aims to change, revoke, or apply several provisions contained in several laws (Commons et al., 2009). Provisions regarding layoffs are also regulated in the Job Creation Law with factors or reasons that can result in termination of employment

4) Government Regulation Number 35 of 2021 Concerning Work Agreements for Specific Time, Outsourcing, Working Time and Rest Time, and Termination of Employment

Government Regulation Number 35 of 2021 Concerning Work Agreements for Specific Periods, Outsourcing, Working Time and Rest Time, and Termination of Employment Relations were made to implement the provisions of Article 81 and Article 185 letter b of Law Number 11 of 2020 concerning Job Creation. This PP contains an additional mechanism, namely notification of the reasons for terminating employment by employers to workers who will be terminated. Meanwhile, in the previous regulation, before layoffs occurred, it was mandatory to negotiate in advance between trade unions/labor unions or workers who were not members of trade unions/labor unions.

In line with efforts to increase investment and economic growth, policies are needed to provide business certainty and legal certainty and create a business climate that provides a sense of security and is conducive to conducting business activities. Business and legal certainty are essential because they create a sense of comfort and security for the investment. For this reason, the Ministry of Industry is currently drafting rules to support incoming investment and maintain business continuity, especially in the industrial sector.

The continuity of the business world that employers and workers carry out cannot be separated from the involvement of the state through the issuance of protective, enforceable, and sanctioned legal regulations, namely Law no. 13 of 2003 concerning Manpower and Law no. 11 of 2020 concerning Employment Cluster Job Creation and all its implementing regulations. This rule stands in the public and private spheres. This can be seen from its protective nature, coercive power, and imposition of sanctions (miserable). 190 Law No. 13 of 2003 concerning

Manpower), while its private nature is known from contractual legal relations consisting of parties in the context of carrying out production activities which respect each other regarding the rights, obligations, and responsibilities of each based on a balance of interests.

Labor law, whose role is to regulate the sensitivity of work relations and regulate it through laws and regulations, is also issued in the form of company regulations or collective labor agreements and work agreements. These legal provisions are based on certainty, justice, and benefit, the balance of interests, deliberation, consensus, and equality in law. These principles have value as the ideals of labor law in providing a basis for the protection and enforcement of labor law.

The legal provisions that protect employers are used for the benefit of their business, while the legal provisions that protect workers are not complied with by employers. This is because the bargaining position of workers cannot balance the "strength" of employers. In this case, the government's role as supervisor of the labor sector is expected to function as social control and carry out supervision/enforcement against labor law violations. Thus labor law has fulfilled the formal and material requirements as a law that provides protection and legal certainty (the principle of legality), as well as one of the pillars in a rule of law country that upholds the rule of law.

Regulations regarding layoffs aim to protect the interests of workers/workers. This goal is based on the fundamental philosophy that workers are always subordinate to employers. Therefore, labor law was formed to neutralize this inequality. Thus, when the law cannot balance this subordination, this occurs due to a failure in substance and interests in the field that favor entrepreneurs. Labor is always a weak party when faced with employers. It is not uncommon for workers to always experience injustice and legal certainty when dealing with company interests (Results of Interview with Djoko Heriyono, Position of Chair of the National Workers Union, Place of Interview: National Industrial Workers Union Federation (NIWUF) ILP Center Building Floor 4. Jl. Raya Pasar Minggu No. 39A, South Jakarta, Monday, September 12 2022, Hours: 14:00 – 15:00 WIB).

The impact of layoffs is very complex and tends to give rise to disputes, the mechanism for the layoff procedure is regulated in such a way that workers/laborers get proper protection and obtain their rights following the provisions governing layoff issues such as statutory regulations, Law Number 13 of the Year 2003 concerning Employment.

The Government's Role in Termination of Employment Relations in the Context of Maintaining the Continuity of the Business World Linked to Investment in Indonesia

The government has the function of establishing policies, providing services, carrying out supervision, and taking action against labor laws and regulations violations. In carrying out industrial relations, workers/laborers and their trade unions/labor unions have the function of carrying out work following their obligations, maintaining order for the continuity of production, channeling aspirations democratically, developing their skills and expertise, and participating in advancing the company and fighting for the welfare of its members and their families. In carrying out industrial relations, employers and their organizations create

partnerships, develop businesses, expand employment opportunities, and provide workers'/laborers' welfare in an open, democratic and fair manner.

As a result of the restrictions put in place to prevent the spread of Covid-19, including the closure of company operations, the potential for companies to be forced out of business is relatively large. There have been many layoffs of employees. Termination of employment is closely associated with reasons of efficiency due to the impact of this co-19. This condition causes the current workforce always to be overshadowed by worry and anxiety. The economic crisis that has occurred to date has forced many companies in Indonesia to restructure. Companies must reduce their employees for reasons of efficiency. The application of the law for termination of employment, for this reason, is better known as dismissal due to efficiency.

Layoffs are one way to maintain the continuity of the business world. Several companies make various policies to maintain their business. They were starting by not doing production, temporarily closing their business, and even laying off (PHK) some of their employees due to cash flow difficulties. Suppose every company can survive the current situation respectively. However, the company's survival also has its limits (Result of Interview with Ms. Shinta Widjaja Kamdani, Deputy Chairperson of the Indonesian Employers' Association (Apindo), Permata Kuningan Lt. 10 Jl. Kuningan Mulia Kav. 9C Guntur - Setiabudi, South Jakarta, Wednesday 5 October 2022, 14:00 – 15:00 WIB).

Termination of employment (PHK) for efficiency is still a polemic because there are two different interpretations due to the provisions of article 164 paragraph (3) of Law no. 13 of 2003 concerning Manpower. In judicial practice, the provisions of the article governing efficiency, companies that carry out efficiency are in a closed condition. However, some interpret that companies do not need to close to carry out efficiency if this action can save the company and some other workers (Agung, 2021).

Layoffs with an investment are different if a new investment has its perspective. The imposition of an uncompetitive minimum wage means the incoming investment is capital-intensive. However, layoffs by downsizing with the aim of efficiency can be considered an investment if the company makes layoffs by providing severance pay to workers with the aim of the company being healthy in the future (Results of Interview with Mr. Hariyadi Sukamdani, Chair of Apindo, at Gd. Permata Kuningan Lt. 10 Jl. Kuningan Mulia Kav .9 C, Guntur, Setiabudi, Monday, November 3, 2022, 14:00 – 15:00 WIB). The role of the government as a facilitator is to create conducive conditions for the implementation of development to bridge the various interests of the community in optimizing the performance of the government engaged in the field of assistance through training, education, and skills improvement, as well as in the field of funding or assistance through providing facilities and infrastructure to local communities. In settlement of termination of employment, the Department of Manpower acts as a facilitator to find and resolve problems, assist several parties in making decisions and reach an agreement on the results of meetings.

The government is responsible for seeking the expansion of employment opportunities inside and outside the employment relationship by working with the community to expand

employment opportunities both within and outside the employment relationship. Central and regional government policies in each sector are directed at realizing the expansion of employment opportunities inside and outside the employment relationship. The government's role as a regulator is to prepare directions to balance the implementation of development through the issuance of regulations. As a regulator, the government provides an essential reference to the public as an instrument to regulate and deal with problems arising from the termination of employment and the continuity of the business world and investment.

The role of investment is increasingly crucial, especially for developing countries like Indonesia. So the competition to seize investment is in increasingly tight and competitive conditions. The need for significant development capital is often an important problem. When this capital cannot be fulfilled from domestic sources, the capital is obtained from other countries or international institutions in the form of investment and foreign debt. This high economic growth was supported by several factors, including

1. support for trade and investment deregulation policies,
2. a conducive business climate to accelerate the rate of increase in investment, and
3. There is also international trust in domestic economic actors in various forms of joint venture cooperation.

To bring in investors, at least three conditions are needed, namely, first, the existence of an economic opportunity (investment can provide economic benefits for investors); second, political stability (investment will be significantly influenced by political stability); third, legal certainty or legal certainty (Prihatmoko, 2014). Other provisions related to taxation, employment, and land issues, all of these provisions will be taken into consideration by investors in making investments (Sembiring, 2010). If it is related between investment or investment and employment, that is, both influence each other. They are correlated with each other where if the investment climate goes well, then employment will provide more opportunities for prospective workers and will reduce the unemployment rate, and vice versa if the regulatory system in the field of human resources can be effective in practice and create a conducive climate in industrial relations so that it can be one of the supports for the arrival of foreign capital to Indonesia.

Legal Protection Efforts against Entrepreneurs upon Termination of Employment Relations in the Context of Maintaining the Continuity of the Business World Linked to Investment in Indonesia

According to Wirjono Prodjodikoro, legal protection is a protection effort given to legal subjects regarding what they can do to defend or protect their interests and the rights of these legal subjects (Prodjodikoro, 1966). Legal protection for workers/laborers, one of the objectives of human resources development is to protect workers/laborers in realizing prosperity. In order to maintain safety and carry out work, workers/laborers must receive protection. Protection of workers is intended to guarantee the fundamental rights of workers/laborers and guarantee equality, opportunity, and treatment without discrimination on

any basis to realize the welfare of workers/laborers and their families while taking into account developments in the progress of the business world (Trijono, 2014).

Termination of employment can maintain the continuity of the business world. Indeed in the first 3 (three) years, there will be losses by issuing severance pay to employees. This is achieved with good planning to improve the risk cash flow in the long run. If the company postpones layoffs, the severance pay that will be issued will increase. Almost all labor-intensive sectors have rationalized to get a position following the order that the company will receive. This is different compared to 10 (as white) years ago (Results of Interview with Mr. Hariyadi Sukamdani, Chair of Apindo, at Gd. Permata Kuningan Floor 10 Jl. Kuningan Mulia Kav.9 C, Guntur, Setiabudi, Monday, November 3, 2022, 14:00 – 15:00 WIB). Companies included in the Postponement of Debt Payment Obligations (PKPU) also provide severance pay to workers when they make layoffs. Companies that enter PKPU are unhealthy companies, and negotiations usually occur with employees because cash flow is problematic by making installment payments to employees (Results of Interview with Mr. Hariyadi Sukamdani, Chair of Apindo, at Gd. Permata Kuningan Lt. 10 Jl. Kuningan Mulia Kav. 9 C, Guntur, Setiabudi, Monday, November 3, 2022, 14:00 – 15:00 WIB).

The parties, both workers and employers, have the basis for existing regulations, both workers and companies. For companies, termination of employment follows existing procedures, both in the form of severance pay and protection. At the same time, from the employer's point of view, it clarifies the steps for making a layoff decision. Termination of employment (PHK) can provide certainty in the sustainability of the business world. If employers do not do layoffs, it will be substantial in the future. For this reason, employers carry out rationalization in order to adjust the company's expenses with the company cash flow, especially in the labor-intensive sector (Results of Interview with Mr. Hariyadi Sukamdani, Chairman of Apindo, at Gd. Permata Kuningan Lt. 10 Jl. Kuningan Mulia Kav. 9 C, Guntur, Setiabudi, Monday, November 3, 2022, 14:00 – 15:00 WIB).

Legal protection can be seen from the legal rules that provide legal certainty for the business world to carry out layoffs. Termination of employment becomes a dispute if the parties do not agree and file a lawsuit at the Industrial Relations Court (PHI). Of course, each party has its arguments, but in the end, the judge decides concerning the corridors of labor law. Besides that, the purpose of the labor law is not only to provide legal protection to workers but to provide legal certainty to workers and employers (Results of Interview with Mr. Hariyadi Sukamdani, Chair of Apindo, at Gd. Permata Kuningan Lt. 10 Jl. Kuningan Mulia Kav.9 C, Guntur, Setiabudi, Monday, November 3, 2022, 14:00 – 15:00 WIB).

1. Legal Protection for Termination of Employment in Several Countries

a. Singapore

Basic rules and regulations governing employees' layoffs and downsizing (rationalization) in Singapore. The Industrial Relations Act is the primary law governing the Termination of Employment in Singapore. Each employment contract must contain a clause regarding Termination of Employment, explaining the rights and obligations, duties, and responsibilities

of both employers and employees in the event of Termination of Employment. This law is designed to restructure labor relations in Singapore and create a tripartite cooperation system involving the government/state in labor matters. Through this law and its amendments in 1968, the settlement of labor disputes is directed to be prevented and resolved outside the court through collective bargaining, conciliation, and arbitration.

The collective bargaining process outlines that if negotiations fail to resolve disputes between companies and workers/laborers, the next step must be a conciliation process. This conciliation is carried out by The Office of the Commissioner of Labor under the auspices of the Ministry of Labor. If conciliation efforts still fail, the next step is settling the dispute through an arbitration court, The Industrial Arbitration Court (IAC). The chairperson and deputy chairman of the arbitral institution are appointed directly by the president on the prime minister's advice. With this position, the IAC has enormous power and a powerful position to resolve disputes between companies and workers/laborers.

An employment contract can be terminated by either the employer or the employee. The way to terminate the employment contract is to give notification or pay salary instead of notification or without giving notice or salary as a substitute for notification. Causes of Termination of Termination at the Initiative of the Employer include 1) Failed Probation, 2) Violation of Contract by Employee, 3) Employee Termination based on Misconduct and 4) Appeals against Termination.

The Industrial Relations Act is the primary law governing the Termination of Employment in Singapore. Each employment contract must contain a clause regarding Termination of Employment, explaining the rights and obligations, duties, and responsibilities of both employers and employees in the event of Termination of Employment. This law is designed to restructure labor relations in Singapore and create a tripartite cooperation system involving the government/state in labor matters. Through this law and its amendments in 1968, the settlement of labor disputes is directed to be prevented and resolved outside the court through collective bargaining, conciliation, and arbitration.

b. Japan

The main body of law governing working conditions in Japan is the Labor Standards Act (1945). The basic principles are based on the Japanese constitution, particularly articles 14 and 27. Article 14 states, "All persons are equal under the law, and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or origin. family". Furthermore, Article 27, it is stated that "everyone has the right and obligation to work. Standards for wages, hours worked, rest and other working conditions must be set by law. Children should not be exploited."

Everyone is guaranteed to be free in choosing a job; therefore, everyone is free to resign from their job at any time. Foreign workers are only allowed to get a contract for a certain period following Article 15 Labor Standard Act of Japan. Workers may not be fired for being absent from work due to illness/medical treatment and may not be fired 30 days after the worker returns to work. They were not allowed to fire pregnant women workers before or after giving

birth. Alternatively, the worker may be terminated if the employer provides compensation for dismissal according to Article 81 of Japan's Labor Standards Act or due to a natural disaster that causes the company to stop operating.

c. United States

The goal of the Department of Labor is to encourage, promote, and enhance the well-being of wage earners, job seekers, and retirees in the United States; improve working conditions; promote lucrative employment opportunities, and guarantee benefits and rights. In carrying out this mission. The Department of Labor enforces 180 federal laws. These regulations cover many work activities by 10 million job creators and 125 million workers (United States, 2022).

Employment relations in the United States have many different regulations compared to other countries, such as protection of wages and hours of work and prohibition of discrimination. The parties to an employment relationship in the United States are generally free to negotiate and determine the terms and conditions of their relationship. In addition, in the working relationship in the business world between superiors and employees, according to the agreement, the employer or employee can terminate the employment relationship at any time, for any reason (non-discriminatory or non-retaliatory), with or without notification.

CONCLUSION

Based on the discussion in the previous chapters, several conclusions can be drawn, including:

- a. The application of regulations regarding termination of employment relations in order to provide certainty in the continuity of the business world is still found in many companies/employers who lay off their workers but do not/have not fulfilled their obligations following the provisions of the law resulting in many workers feeling disadvantaged because their rights are not fulfilled. After they became victims of corporate layoffs.
- b. The role of the government in terminating employment relations (PHK) in order to maintain the continuity of the business world is associated with an investment in Indonesia by guaranteeing the fundamental rights of workers, which is the essence of the drafting of the Manpower Law, namely realizing the welfare of workers who will have an impact on the progress of the business world in Indonesia.
- c. Efforts to protect the law against employers for termination of employment in order to maintain the continuity of the business world associated with an investment in Indonesia, namely employers are required to fulfill workers' rights following the Law of the Republic of Indonesia Number. 13 of 2003 concerning Manpower so that there will be no delays in the payment of wages/other rights that must be received by workers/laborers. This is done to provide legal protection for entrepreneurs so that later in running the company, they can provide benefits and a sense of security for the company and its workforce.

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