

# The Protection of Labor Rights on the Court System



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## ABSTRACT

Protection of labor rights is critical to ensuring fairness and justice in the workplace. When employees' rights are violated, they can pursue legal redress through the justice system. However, realizing equitable outcomes is frequently impeded by obstacles in accessibility and enforcement. This research analyzes how the justice system can safeguard and enforce labor rights. This research uses normative legal research that employs comparative, legislative, and conceptual methodologies. The research results show that First, Indonesia has labor laws in place. However, the current regulations continue to encounter numerous challenges, including the lengthy and intricate judicial system mechanism and the discrepancy between theoretical regulations and practical implementation. Consequently, expediting the litigation mechanism and reforming the current regulations to protect labor rights is imperative. Second, Indonesia's labor regulations are deemed to be more responsive to the dynamics of contemporary industrial relations than those of Uzbekistan. Uzbekistan must guarantee the protection of workers' and employers' rights, simplify the litigation process, strengthen the competence of judges, and harmonize and reconstruct labor regulations with civil procedural law. Third, it is recommended that Uzbekistan establish a special industrial relations court, revise the rules on evidence and dispute resolution procedures, and enhance the competence of justices through specialized training. This reconstruction will establish a more equitable, efficient, and pertinent system to the current state of employment.



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## 1. Introduction

Protecting employees' rights through the legal system and employment disputes are becoming increasingly significant global concerns. The necessity to guarantee workers' equitable treatment and robust legal protection is increasing due to job losses, skilled labor shortages, and income disparities between employers and

employees.<sup>1</sup> Many nations are experiencing difficulty preventing employer discrimination against employees, establishing effective enforcement mechanisms through state bodies, and aligning their labor laws with international labor standards.<sup>2</sup>

The rationale behind employment regulations is to safeguard the fundamental rights of workers, promote equal opportunities and treatment without discrimination, and enhance the well-being of workers and their families, all while considering the advancements of the business world. These factors establish a correlation between a satisfactory standard of living for both laborers and their families. Protecting workers' rights ensures individuals' welfare and benefits families, thereby ensuring that social justice is consistently achieved.<sup>3</sup> Wages are critical to the employment relationship and serve a vital social function. They acknowledge workers' contributions as human beings in the face of adverse circumstances, function as an incentive to increase productivity, and provide the necessities of life for employees and their families.<sup>4</sup> Social and economic inequality can result from policies that do not benefit workers or laborers. The protection of workers' wage rights will be disrupted without rigorous regulations. Workers' compensation rights are frequently not safeguarded due to their inferior bargaining position in comparison to that of employers.<sup>5</sup>

The protection of workers' wages that are not superior to their previous levels is undoubtedly different from the principle of employment development. If regulatory changes are incapable of enhancing the welfare of workers and their families, they may be considered ineffective in safeguarding workers.<sup>6</sup> Although numerous workers' rights have been regulated, certain rights need to be improved and are the subject of complaints from workers and labor unions. The problematic rights include the regulation of wage rates, the rights of workers in outsourcing companies, the rights of workers due to termination of employment by bankrupt

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<sup>1</sup> Yahui An and Xiukun Liu, 'Local Attention to Employees' Rights and Firm Value: Evidence from China', *International Review of Economics & Finance*, 84 (2023), 382–94 <https://doi.org/10.1016/j.iref.2022.11.028>

<sup>2</sup> Quan Li and others, 'Impact of Financial Regulation on Labor Income Share: Evidence from China', *Pacific-Basin Finance Journal*, 88 (2024), 102538 <https://doi.org/10.1016/j.pacfin.2024.102538>

<sup>3</sup> Anurag K. Agarwal and others, 'Introduction to the Special Issue on "Financial Distress, Bankruptcy, and Corporate Finance"', *Vikalpa: The Journal for Decision Makers*, 45.2 (2020), 61–68 <https://doi.org/10.1177/0256090920953995>

<sup>4</sup> DANIEL COOPER, MARÍA JOSÉ LUENGO-PRADO, and JONATHAN A. PARKER, 'The Local Aggregate Effects of Minimum Wage Increases', *Journal of Money, Credit and Banking*, 52.1 (2020), 5–35 <https://doi.org/10.1111/jmcb.12684>

<sup>5</sup> Le Duc Hoang and others, 'Creditor Rights, Corruption and Capital Structure: Evidence from Emerging Markets', *Corporate Governance and Organizational Behavior Review*, 8.1 (2024), 213–21 <https://doi.org/10.22495/cgobrv8i1p18>

<sup>6</sup> Ahmet Karpuz and others, 'The Effect of Labour Protection Laws on the Relationship between Leverage and Wages', *Journal of Banking & Finance*, 148 (2023), 106722 <https://doi.org/10.1016/j.jbankfin.2022.106722>

companies, issues of female workers such as menstrual leave, maternity leave, or paternity leave, workers' rights related to social security, and the right to worker status from contract to permanent. The current lack of legal protection is the root cause of the numerous issues associated with workers' rights.<sup>7</sup>

The exploitation of individuals in forced labor is also a substantial human rights violation and a threat to public safety. Relatively few traffickers are held accountable despite the increased efforts to identify and prosecute perpetrators of labor trafficking. Human trafficking remains a thriving international operation even though law enforcement interventions remain the primary mechanism used to identify perpetrators and illicit businesses engaged in the trade.<sup>8</sup> Advocates and legal service providers are becoming more involved in civil litigation, immigration assistance, and other methods to address the needs of victims and achieve justice. The specific legal, structural, and cultural barriers that impede the path to justice for victims of labor trafficking through the criminal legal system are less well understood.<sup>9</sup>

According to statistical data from the Government of Uzbekistan, the number of civil cases considered in courts exceeds that of criminal, economic, and administrative cases. For instance, the number of civil cases heard in courts of first instance in 2022 was 562,286, while the number of criminal cases heard in courts of first instance, economic cases, and cases heard in state administrative courts was 310,345. In 2023, the number of civil cases heard in courts of first instance was 460,275 cases, and the number of criminal cases heard in courts of first instance, cases heard in state administrative courts, and cases heard in state administrative courts were 346,030 cases. In his interview, BJ Islamov, the Chairman of the Supreme Court of the Republic of Uzbekistan, identified the judicial system's burdensome caseload as a significant issue. He maintains that the population development rate of Uzbekistan is steadily increasing.

Nevertheless, the state's contemporary judge population is disproportionate to the region's. The civil court judges are responsible for the highest volume of labor and workload, accounting for approximately 50% of the total cases. These figures are about the average monthly workload. A district or city court judge handles 181 criminal cases monthly. In civil cases, inter-district, district, or city court judges handle 269 instances, and inter-district, district, or city economic court judges

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<sup>7</sup> Maria Bigoni, Matteo Ploner, and Thi-Thanh-Tam Vu, 'The Right Person for the Right Job: Workers' Prosociality as a Screening Device', *Journal of Economic Behavior & Organization*, 212 (2023), 53–73 <https://doi.org/10.1016/j.jebo.2023.04.013>

<sup>8</sup> Chase Childress, Amy Farrell, Shawn Bhimani, and others, 'Disrupting Labor Trafficking in the Agricultural Sector: Looking at Opportunities beyond Law Enforcement Interventions', *Victims & Offenders*, 18.3 (2023), 473–511 <https://doi.org/10.1080/15564886.2022.2133036>

<sup>9</sup> Chase Childress, Amy Farrell, Amelia Wagner, and others, 'The Half-Built Road: Exploring the Impediments to Justice for Victims of Labor Trafficking', *Journal of Human Trafficking*, 10.2 (2024), 271–88 <https://doi.org/10.1080/23322705.2024.2303252>

handle 163 cases monthly. It is recommended that these figures be reviewed.<sup>10</sup> Access to justice is one of the instruments used to evaluate the advancement of society, particularly for the impoverished and marginalized. The privilege to access the courts must be accessible at all stages. Nevertheless, it is widely recognized that not all individuals have access to the courts due to various factors, including illiteracy, a lack of resources, a lack of access to a lawyer, court costs, litigation costs, social pressures, and fear of consequences. Consequently, it is imperative to support victims, particularly those who are impoverished, in their efforts to access the courts.<sup>11</sup>

Litigation has consistently been recognized as a critical method for safeguarding rights and fortifying the rule of law within the social structure. Uzbekistan's judicial system facilitates the protection of labor rights by determining compensation for damages caused by forced labor, ensuring accountability for employers, and safeguarding workers' rights by national laws and international standards.<sup>12</sup> Accessmechanical conceptualizedederal complexities, costs, and delays in litigation restrict the access to justice for marginalized segments of society. The judicial system is instrumental in resolving labor disputes, and recent reforms have expanded the opportunities for employees to seek remedies. Numerous legal options are available to employees, such as mediation and public oversight bodies; however, legal remedies are the most important.<sup>13</sup>

Comparative studies are necessary to identify solutions and acquire references for preserving workers' rights in other countries. A structured legal framework and judicial system are the primary mechanisms for ensuring the preservation of labor rights in Indonesia. The judiciary is instrumental in enforcing employers' and employees' rights and obligations, as outlined in various laws, such as the Job Creation Law and Law No. 13 of 2003. Multiple levels of justice, such as the Supreme Court and district tribunals, can resolve labor disputes by applying human rights principles. In addition, the Constitutional Court decision No. 168/PUU-XXI/2023 revises technical aspects and endeavors to establish more equitable labor standards. It is anticipated that this new regulation will establish a work environment that prioritizes workers' rights and enhances the well-being of the local workforce. This revision also demonstrates the dedication of national law to ensure that industry requirements and worker protection are in harmony,

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<sup>10</sup> Zulfiya Baybekova and Sardorjon Zokirov, "The Rights Of Judicial Protection In The System Of Labor Rights Of Employees", *Tsul Legal Report*, 2.1 (2021), 109–17 <https://doi.org/10.51788/tsul.lr.2.1./PLHG7659>

<sup>11</sup> Mubashar Tariq, Hafiz Muhammad Azeem, and Muhammad Zahid Rafique, 'Public Interest Litigation in Pakistan: Unveiling Its Features, Roles, and Potential for Ensuring Justice for All', *Qlantic Journal of Social Sciences*, 5.1 (2024), 298–306 <https://doi.org/10.55737/qjss.738424337>

<sup>12</sup> Odiljon Sulaymanov Jurabek Rasulov, 'Abolition Of Forced Labour: Case Of Uzbekistan', *Psychology and Education Journal*, 58.1 (2021), 4564–80 <https://doi.org/10.17762/pae.v58i1.1563>

<sup>13</sup> Y G Moydinova, 'The Role of Labor Protection in Production', 9 (2021), 54–57.

thereby ensuring that the advantages are experienced by all parties involved in employment relations in Indonesia.<sup>14</sup>

Previous research by M. Rizky Ramadhan et al. has shown that the synchronization of legal protection arrangements for workers in agreements where Legal Protection for Workers is regulated in the Manpower Law, in its continuity to workers is as a guideline in providing legal protection for workers, namely in terms of providing legal certainty, justice, and benefits for workers. The government's efforts to provide legal protection to workers through the creation of laws and regulations have been quite reasonable. However, the government's efforts to legally protect workers are minimal.<sup>15</sup> Moreover, Baybekova and Zokirov's research demonstrates that the judicial system is essential in safeguarding employee rights; however, it is crucial to acknowledge the constraints and impediments that employees encounter when attempting to access these protections. The necessity of a multifaceted approach to labor law enforcement is underscored by the potential of alternative mechanisms to provide additional avenues for protecting labor rights.<sup>16</sup> In the interim, research conducted by Aloisio Araujo et al. indicates that judges may disproportionately consider the adverse effects of company liquidation on employees and postpone the liquidation of insolvent companies even though this results in a deviation from the actual legal formulation. Naturally, this poses a threat to employees' liberties.<sup>17</sup>

The transition from labor relations to civil relations complicates the enforcement of labor rights, necessitating legal reforms to clarify employee protections. The court process is frequently perceived as a last resort for employees, who may need to be more conversant with the intricacies of labor law and their rights. Unlike previous research, this study will examine the evolving legal landscape, the challenges employees encounter, and the protection of workers' rights through the court system. This research will evaluate the efficacy of the courts in resolving labor disputes compared to other mechanisms, such as arbitration or mediation. Because of the vulnerability of employees in labor relations, a legal approach that prioritizes their rights is necessary; however, the efficacy of this protection may need to be more consistent. Consequently, it is crucial to research the protection of laborers' rights through the court system.

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<sup>14</sup> Abdul Kadir Jaelani and others, 'Legal Protection of Employee Wage Rights in Bankrupt Companies: Evidence from China', *Legality: Jurnal Ilmiah Hukum*, 31.2 (2023), 202–23 <https://doi.org/10.22219/ljih.v31i2.25874>

<sup>15</sup> Muhammad Rizky Ramadhan, Muhammad Kamal, and Mochammad Andry Wardhana Wikra Mamonto, 'Omnibus Law in Indonesia: Legal Protection of Workers in Employment Contracts', *Golden Ratio of Law and Social Policy Review*, 1.1 (2021), 7–16 <https://doi.org/10.52970/grlspr.v1i1.151>

<sup>16</sup> Baybekova and Zokirov.

<sup>17</sup> Aloisio Araujo and others, 'The Labor Effects of Judicial Bias in Bankruptcy', *Journal of Financial Economics*, 150.2 (2023), 103720 <https://doi.org/10.1016/j.jfineco.2023.103720>

## 2. Research Method

This investigation implements a normative legal research methodology. Conceptual, legislative, and comparative methods are implemented. Primary, secondary, and tertiary data are the sources of research data.<sup>18</sup> This investigation examines the current employment regulations in Indonesia and Uzbekistan. Then, the author evaluates the efficacy of implementing employment regulations, determining whether they have effectively safeguarded workers' rights through the court system. This research employs literature/document studies from books, journals, and official websites as a data collection method.<sup>19</sup>

## 3. Results and Discussion

### *The Protection of Labor Rights on the Court System in Indonesia*

Indonesia's employment law is necessary to ensure that citizens can secure Employment and that their rights and obligations are protected. Furthermore, laborers require protection to ensure that work productivity and comfort processes are successful. Employment legislation governs all aspects of employees' lives before, during, and after Employment. The objective of the establishment of employment law is to optimize the utilization and empowerment of workers humanely, to ensure that equal employment opportunities and the provision of workers are by the needs of national and regional development, to protect workers in the pursuit of welfare, and to enhance the welfare of workers and their families.<sup>20</sup>

The recognition of the rights of workers as human beings who must be treated humanely, considering their limited physical abilities, is a form of protection for workers. The principles of worker protection also guarantee these rights to obtain decent Employment and a decent living. Furthermore, sources of employment law have asserted that autonomous regulations (employment agreements, company regulations, and collective labor agreements) must not conflict with heteronomous regulations (statutory regulations) in Employment. This is due to the workforce's significant function and position as an actor in pursuing development objectives. By this, workforce development is focused on enhancing the quality and contribution to development and safeguarding its rights and interests by human dignity. Integration and partnership are the foundations of employment

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<sup>18</sup> Ahmad Dwi Nuryanto and Abdul Kadir Jaelani, 'The Role of State Official Wealth Report in Realizing the Principles of Maqashid Sharia', *Legality: Jurnal Ilmiah Hukum*, 32.1 (2024), 155–81 <https://doi.org/10.22219/ljih.v32i1.32879>

<sup>19</sup> Reza Octavia Kusumaningtyas and James Kalimanzila, 'The Impact of Tax Incentive on Increase Foreign Direct Investment', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 1.2 (2023), 51–63 <https://doi.org/10.53955/jsderi.v1i2.7>

<sup>20</sup> Chris Williams and Jessica L. Decker Sparks, 'Fishery Improvement Projects: A Voluntary, Corporate "Tool" Not Fit for the Purpose of Mitigating Labour Abuses and Guaranteeing Labour Rights for Workers', *Marine Policy*, 147 (2023), 105340 <https://doi.org/10.1016/j.marpol.2022.105340>

development. The state must actively provide legal protection by implementing to address the inequality in the positions of laborers and positions.<sup>21</sup>

Nevertheless, the issue of labor rights needs to be adequately regulated by several articles amended and deleted in Law No. 11 of 2020 concerning Job Creation, which amends and deletes articles regulated in Law No. 13 of 2003 concerning Employment. For instance, those that govern provincial or district/city minimum wages, wages, and Fixed Term Employment Agreements (PKWT), The right to seek Employment if they feel disadvantaged, and the severe errors in layoffs by workers/laborers. Only after the Job Creation Law was enacted, the Employment Law, which is 17 years old, could not address labor rights concerns and is considered highly detrimental.<sup>22</sup> The Indonesian employment system aims to establish a proportional relationship between employers and workers. The industrial relations system is a subsystem of the integralistic employment system in Indonesia, one of the subsystems of the Pancasila economic democracy system. Consequently, the industrial relations system must be incorporated into the Pancasila economic democracy system. In addition, the principles of employment development are fundamentally consistent with the principles of national development, particularly the principles of democracy, justice, and equity. This is undertaken due to the multidimensionality of employment development, which is associated with various parties, including the Government, employers, and workers/laborers.<sup>23</sup>

Consequently, employment development is implemented through mutually beneficial collaboration. Development and legal protection are constructed systematically, beginning with the law's substance, structure, and culture. Despite laws designed to safeguard workers' rights, these regulations frequently fail to offer the requisite protection, thereby exposing workers to exploitation. An insufficient legal framework, ineffective implementation, and a lack of genuine worker representation are the sources of the deficiencies in Indonesia's employment regulations today. A substantial disparity exists between labor laws' theoretical protection and practical enforcement.<sup>24</sup> Numerous employers fail to adhere to labor regulations, resulting in pervasive violations of labor provisions and working conditions. One example is the unfulfilled rights of employees in bankrupt companies. The Manpower Law, the Bankruptcy and PKPU Law, the Job

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<sup>21</sup> Frank Pega and others, 'Monitoring Workers' Health: Focus on Rights, Determinants, and Equity', *The Lancet*, 402.10410 (2023), 1306–8 [https://doi.org/10.1016/S0140-6736\(23\)02049-4](https://doi.org/10.1016/S0140-6736(23)02049-4)

<sup>22</sup> Sarbini Sarbini, 'Legal Protection Of Labor Based On Positive Law In Indonesia', *NotariiL Jurnal Kenotariatan*, 9.1 (2024), 47–52 <https://doi.org/10.22225/jn.9.1.2024.47-52>

<sup>23</sup> Shailendra Kumar and Sanghamitra Choudhury, 'Migrant Workers and Human Rights: A Critical Study on India's COVID-19 Lockdown Policy', *Social Sciences & Humanities Open*, 3.1 (2021), 100130 <https://doi.org/10.1016/j.ssaho.2021.100130>

<sup>24</sup> Fransisca Widayani and Rr. Wijayati, 'Legal Responsibility of Jiwasraya Insurance Companies to Customers', 2021 <https://doi.org/10.4108/eai.14-4-2021.2312510>

Creation Law, and the Constitutional Court Decision have all regulated the wage rights of workers in the event of a company's bankruptcy. Substantively, it can be asserted that the legal standards that regulate workers' rights, including their wage rights, are inconsistent in the event of a company's bankruptcy; the inconsistent status results from discrepancies in the priority hierarchy. Creditors with property security rights or separatist creditors are prioritized under the Bankruptcy and PKPU Law, whereas the Law on General Provisions for Tax Implementation Procedures prioritizes state bills, specifically taxes.<sup>25</sup>

Workers' wage entitlements are prioritized as debts under the Manpower Law. As per the Constitutional Court decision No. 67/PUU-XI/2013, laborers' wages are prioritized with priority. This decision of the Constitutional Court is binding and final from a legal standpoint. The substance of the law, which still needs to reflect social justice, is reflected in the multifaceted regulation of workers' wage rights, which is spread across various statutes. Structurally, the Labour Union is the most significant factor in safeguarding the wage rights of workers, in addition to the Government, which serves as the primary structure for law enforcement and implementation. In the meantime, Indonesia's legal culture, labor wage practices, work relations, and work climate are susceptible to disrupting the legal norms and values of the Pancasila State. The present circumstances demonstrate that this regulation will persist in its failure without substantial reform and accurate representation.<sup>26</sup>

Furthermore, the labor court is granted the authority to order the reinstatement of dismissed workers at the same wage level as at the time of dismissal or compensation payment if the court determines that the dismissed worker and the Employer cannot collaborate. The court determines the compensation amount by considering various factors, such as the worker's age, duration of service, the worker's challenges, the cause of the dismissal, and the compensation to which the worker is entitled. Nevertheless, there is an additional provision that mandates the filing of a complaint regarding losses that result from wrongful acts within one year of the date on which the injured individual became aware of the wrongful act or within ten years of the date on which the wounded individual learned that the wrongful act was committed. This demonstrates the inadequacy of labor regulations, which necessitate substantial reform to enhance their efficacy, including equitable representation for employees. In addition, the court has the authority to determine whether or not dismissed workers should receive

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<sup>25</sup> Muhammad Nurrohim and Zetria Erma, 'Rights Of Bankrupt Debtors In The Management And Settlement Process In Accordance With Law Number 37 Of 2004 Concerning Bankruptcy And Pkpu', *PENA LAW: International Journal of Law*, 1.3 (2023), 51–62 <https://doi.org/10.56107/penalaw.v1i3.78>

<sup>26</sup> Federico M. Mucciarelli, 'Employee Insolvency Priorities and Employment Protection in France, Germany, and the United Kingdom', *Journal of Law and Society*, 44.2 (2017), 255–82 <https://doi.org/10.1111/jols.12025>



compensation or influence the guarantee of worker protection. Implementing the law will undoubtedly be significantly influenced by laws that do not support workers. The government, in this instance, the court judge as the legal justice, will generally adhere to the regulations established in Indonesia, which follows the civil law legal system. In reality, the preservation of workers' wage rights can be facilitated by social actors and legal institutions providing support to workers.<sup>27</sup>

Indonesia's Special Labour Court has established an Industrial Relations Court dedicated to resolving labor disputes. This court is staffed by justices with specialized knowledge in labor law, guaranteeing that the cases are resolved correctly. Furthermore, the State Administrative Court adds a layer of legal recourse for laborers, further bolstering rights protection against government action. In Indonesia, resolving labor disputes through litigation is structured and prioritizes the role of government mediation, judicial procedures, and pre-litigation efforts. In practice, challenges persist even though this procedure is intended to guarantee the efficient resolution of disputes. If mediation is unsuccessful, disputes may be escalated to the Industrial Relations Court. The Supreme Court Regulation specifies that the court process is intended to be straightforward and cost-effective.<sup>28</sup>

Although there is a framework for efficient resolution, the actual litigation process can be complex and lengthy, frequently failing to satisfy the parties' needs. A multifaceted approach is necessary to address Indonesia's regulatory and labor dispute challenges. This method entails the enhancement of dispute-resolution mechanisms, the reformation of labor laws, and the enforcement of equitable wage practices. The government must reconcile legal rights with actual working conditions to guarantee that workers capitalize on economic expansion.<sup>29</sup> The principles of employment development, which include democracy, fairness, and equity, must be implemented and realized by the government. The government is anticipated to address employment regulations by prioritizing public interest and maintaining community involvement. Furthermore, it is imperative to reform laws to ensure workers' rights are upheld and their benefits are distributed equitably across all levels.

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<sup>27</sup> Diantika Chayani, 'Existence of State Administrative Court in Resolving Disputes', *JUSTICES: Journal of Law*, 2.2 (2023), 105–12 <https://doi.org/10.58355/justices.v2i2.50>

<sup>28</sup> Bruno Jiménez and Silvio Rendon, 'Does Employment Protection Unprotect Workers? The Labor Market Effects of Job Reinstatements in Peru', *Labour Economics*, 80 (2023), 102286 <https://doi.org/10.1016/j.labeco.2022.102286>

<sup>29</sup> Alessandra Calvi, 'Data Protection Impact Assessment under the EU General Data Protection Regulation: A Feminist Reflection', *Computer Law & Security Review*, 53 (2024), 105950 <https://doi.org/10.1016/j.clsr.2024.105950>

### ***The Protection of Labor Rights on the Court System in Uzbekistan***

The regulatory frameworks of Uzbekistan and Indonesia exhibit fundamental similarities, primarily due to the adoption of civil law as a government system. Both countries guarantee the basic rights of citizens in the constitution,<sup>30</sup> including guaranteed rights and discrimination protection for labours. In Uzbekistan, employment regulations still need to fix the problems of modern employment relations fully. Labours' rights guaranteed in the Labour Code of Uzbekistan and the Civil Procedure Code include labour protection and procedural certainty in the civil court system.<sup>31</sup> However, these regulations need to be more devoted to the dynamics of industrial relations disputes. So, legal updates and the harmonization of labour regulations with existing civil procedural laws are required.

The government's concern for labours' rights in Uzbekistan is related to, firstly, ensuring the protection of labours' rights through the court system as a result of industrial relations is crucial.<sup>32</sup> Settlement of industrial disputes begins with a mediation or arbitration (non-litigation) process. If the non-litigation results do not find a consensus toward a win-win solution, then the conflict will be resolved in the Civil Courts.<sup>33</sup> In Uzbekistan, labour disputes including wage disputes, illegal termination of employment and breach of employment contract, are classified as civil disputes. This differs from Indonesia, where the Industrial Relations Court, under the District Court's auspices, specifically regulates its employment justice system.

The weakness of the General Court of Uzbekistan in handling labour disputes is due to the lack of specificity and focus on labour issues, such as: lack of judges who are experts in the field of employment; judges have difficulty interpreting the Labour Code; the litigation process is slow because the general courts also handle many cases in other areas of law outside of employment; there is also a lack of a dedicated mechanism or expedited process for resolving labour disputes.<sup>34</sup>

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<sup>30</sup> Magdi Shouaib, Ahmed Eldakak, and Eman Ahmed Alabdouli, 'Effect of the Civil Law Severability Doctrine on Administrative Contract Theory: A Study of French and Egyptian Laws', *Heliyon*, 10.6 (2024), e27995 <https://doi.org/10.1016/j.heliyon.2024.e27995>

<sup>31</sup> Matthew Fischer-Daly, 'Impunity of International Labor Rights Violators and Beneficiaries: The Case of Uzbekistan', *World Development Perspectives*, 14.January 2018 (2019), 100097 <https://doi.org/10.1016/j.wdp.2019.02.008>

<sup>32</sup> Matthew Fischer-Daly, 'Erratum to "Impunity of International Labor Rights Violators and Beneficiaries: The Case of Uzbekistan"', *World Development Perspectives*, 22.May (2021), 100329 <https://doi.org/10.1016/j.wdp.2021.100329>

<sup>33</sup> Laine Fogh Knudsen and Signe Balina, 'Alternative Dispute Resolution Systems Across the European Union, Iceland and Norway', *Procedia - Social and Behavioral Sciences*, 109 (2014), 944-48 <https://doi.org/10.1016/j.sbspro.2013.12.569>

<sup>34</sup> Yaolin Wang and others, 'Reducing Contract Disputes: A Comparative Analysis of FIDIC and GCC Standard General Conditions of Contract for Construction Project', *Journal of Hazardous Materials*, 2020, 123965 <https://doi.org/10.1016/j.jer.2024.09.015>

Meanwhile, dispute resolution at the Indonesian Industrial Relations Court guarantees the specialization and accommodation of competent judges in accordance with labour law so that they can understand the complexities of industrial relations. In addition, the dispute resolution stages are more structured, beginning with the bipartite stage, which involves direct settlement between the employee and the employer;<sup>35</sup> tripartite, namely a settlement involving a mediator from the Manpower Service; and if this fails, the dispute is submitted directly to the Industrial Relations Court.<sup>36</sup> This means that the specific competence of industrial relations courts provides more legal certainty regarding the application of norms and procedural procedures.

Second, procedural matters in employment dispute courts include the suitability of the parties in the court, evidence, and the procedure for the judge to give considerations. Ensuring equal rights protection for labours and employers in court is essential. The government of Uzbekistan is trying to improve labour regulations and civil procedures that regulate procedures for examining and resolving labour disputes in civil courts.<sup>37</sup> Justice must pursue the essential issue of the employer's responsibility for labour losses. Therefore, it is necessary to strengthen subjective procedural rights and their guarantees. It is important to look at the extent to which the law guarantees a balance between the parties, the evidence, and the procedure for the judge to consider in the employment release court.

The Civil Procedure Code does not clearly regulate the nomenclature of 'parties' in industrial relations cases, including their procedural rights and obligations. Labour regulations that regulate procedures for resolving disputes in court need to clarify the specifications of the parties involved in disputes resulting from industrial relations. For example, the Civil Procedure Code regulates legal entities as legal subjects because these entities have the ability to submit disputes in court.<sup>38</sup> However, the law on the recovery of material damage limits the right of legal entities to appeal to court. This implies that there remain discrepancies in the parties understanding of their roles as legal subjects, leading to a state of legal uncertainty. The principle of accountability closely relates to the parties problems

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<sup>35</sup> Paul W. Grimes, Jane S. Lopus, and Dwi Sulistyorini Amidjono, 'Financial Life-Skills Training and Labor Market Outcomes in Indonesia', *International Review of Economics Education*, 41.September (2022), 100255 <https://doi.org/10.1016/j.iree.2022.100255>

<sup>36</sup> Niken Kusumawardhani and others, 'Heterogeneous Impact of Internet Availability on Female Labor Market Outcomes in an Emerging Economy: Evidence from Indonesia', *World Development*, 164 (2023), 106182 <https://doi.org/10.1016/j.worlddev.2022.106182>

<sup>37</sup> Nynke van Uffelen, 'Understanding Energy Conflicts: From Epistemic Disputes to Competing Conceptions of Justice', *Energy Research and Social Science*, 118.October (2024), 103809 <https://doi.org/10.1016/j.erss.2024.103809>

<sup>38</sup> Michael Berlemann and Robin Christmann, 'Disposition Time and the Utilization of Prior Judicial Decisions: Evidence from a Civil Law Country', *International Review of Law and Economics*, 62 (2020), 105887 <https://doi.org/10.1016/j.irle.2020.105887>

in a dispute. A precise definition of the parties is essential to involve them as responsible subjects in the dispute. Identification of the parties is a necessary condition for procedural guarantees such as legality and fairness in all civil legal disputes.<sup>39</sup>

Arrangements regarding evidence and evidence in industrial disputes are essential to prove material truth.<sup>40</sup> A characteristic of civil proceedings is that the court has the right to present and evaluate the evidence of the parties and other persons participating in the case and collect evidence on their initiative to determine the objective truth.<sup>41</sup> There are still several areas for improvement in the strength of evidence in industrial disputes in Uzbekistan, including (1) The court relies on written evidence, such as work contracts, accident reports, and official company documents. However, in many cases, labours need access to these documents. (2) Limitations of electronic evidence, which is still rarely used by Uzbekistan courts because there are no special regulations governing it. (3) Judges who are experts in the field of employment do not understand industrial relations cases because the cases are submitted to general courts, not to industrial relations courts. For example, in industrial disputes in Uzbekistan, there is an inequality of opportunity regarding the recovery of employment-related damages.

The employer tries to prove his objection to the labour's claim in court by presenting witnesses from his work environment. Hence, his testimony must be questioned as to whether it is accurate or fabricated.<sup>42</sup> This means that the court must consider the fact that any person recognized as a witness by the employer may not be an actual witness in the case. Court judges deciding disputes in this category must remember only one party's impartiality. Establishing procedures for judges to consider court decisions regarding industrial relations disputes is crucial for the pursuit of formal truth.<sup>43</sup> There are several principles that can be used as guidelines for judges in giving considerations, including: suitability of the substance of the considerations with the legal material; the judge's assessment of

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<sup>39</sup> Christian Lessmann and Arne Steinkraus, 'The Geography of Natural Resources, Ethnic Inequality and Civil Conflicts', *European Journal of Political Economy*, 59, January 2018 (2019), 33–51 <https://doi.org/10.1016/j.ejpoleco.2019.01.005>

<sup>40</sup> Elliott Ash and W. Bentley MacLeod, 'Reducing Partisanship in Judicial Elections Can Improve Judge Quality: Evidence from U.S. State Supreme Courts', *Journal of Public Economics*, 201 (2021), 104478 <https://doi.org/10.1016/j.jpubeco.2021.104478>

<sup>41</sup> Jorge García-Hombrados, Marta Martínez-Matute, and Carmen Villa, 'Specialised Courts and the Reporting of Intimate Partner Violence: Evidence from Spain', *Journal of Public Economics*, 239, March 2023 (2024) <https://doi.org/10.1016/j.jpubeco.2024.105243>

<sup>42</sup> Enas Mohammed AlQodsi and others, 'Suspension of the Statute of Limitations for Civil Claims: A Comparative Study of Arab Legislations', *Social Sciences and Humanities Open*, 10, May (2024) <https://doi.org/10.1016/j.ssaho.2024.101129>

<sup>43</sup> Richard Devlin and Adam Dodek, 'The Achilles Heel of the Canadian Judiciary: The Ethics of Judicial Appointments in Canada', *Legal Ethics*, 20.1 (2017), 43–63 <https://doi.org/10.1080/1460728x.2017.1345202>

the elements of error; the judge's interpretation of the causal relationship in the dispute; amount of loss and compensation; compliance with procedures; as well as mitigating or aggravating factors. In general, the weakness of judges in providing legal considerations in industrial relations disputes due to the competence of judges in Uzbekistan courts is still widespread.<sup>44</sup>

For instance, in cases where judges evaluate the material responsibility of officials or apparatus for violating labours' rights.<sup>45</sup> A special procedural standard for recovering losses caused by officials is required to ensure legality when courts consider labour disputes. Officials have the authority to create work contracts for their employees, dismiss them, or order their transfer to a different location. However, if the authority turns out to be against the law, the labour can file a claim in court. In this case, the court must interpret the official's involvement in the unlawful act. However, there is still debate about restrictions on officials directly participating in Uzbek courts.

It is crucial to impose sanctions on officials who breach labour laws and regulations in order to safeguard labours' employment rights, uphold those rights, and prevent future labour disputes.<sup>46</sup> The principle of equal rights of actors in employment law relations forms the basis of employment legislation. To prevent employment disputes related to violations of employment rights by officials, which are often found in judicial practice, the limitation on the amount of financial responsibility should be completely abolished. Judges must also pay attention to the recovery of moral damages.<sup>47</sup> In Uzbekistan, moral losses are reimbursed in the form of money or goods. However, labours' moral losses cannot be compensated in this form because morals include mental and physical. Therefore, determining moral compensation in industrial relations disputes requires ideality. To ensure the achievement of legal objectives, Uzbekistan can implement recommendations for reconstructing the synchronization and harmonization of labour regulations and civil procedures.

### ***Reconstruction of Protection Labor Rights on the Court System***

Legal reconstruction aims to provide legal reorientation toward sociopolitical, socio-philosophical, and sociocultural values that underlie normative content

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<sup>44</sup> Ozodjon Sharipjonovich Uralov, 'Internationalization of Higher Education in Uzbekistan', *Social Sciences and Humanities Open*, 2.1 (2020), 100015 <https://doi.org/10.1016/j.ssaho.2020.100015>

<sup>45</sup> Jordan Claridge, Vincent Delabastita, and Spike Gibbs, '(In-Kind) Wages and Labour Relations in the Middle Ages: It's Not (All) about the Money', *Explorations in Economic History*, 94.October (2024), 101626 <https://doi.org/10.1016/j.eeh.2024.101626>

<sup>46</sup> Abhishek Thommandru, Fazilov Farkhod Maratovich, and Niyozova Salomat Sapparovna, 'Fortifying Uzbekistan's Integrity Landscape: Harnessing India's Tech-Driven Anti-Corruption Strategies', *Sustainable Futures*, 7.March (2024), 100206 <https://doi.org/10.1016/j.sftr.2024.100206>

<sup>47</sup> Timur Dadabaev, 'Community Life, Memory and a Changing Nature of Mahalla Identity in Uzbekistan', *Journal of Eurasian Studies*, 4.2 (2013), 181–96 <https://doi.org/10.1016/j.euras.2013.03.008>

material.<sup>48</sup> Roscoe Pound explained that law is applied as a tool to engineer society so that law has a dynamic mechanism for development over time (sociological jurisprudence theory).<sup>49</sup> The reconstruction of labour rights protection regulations in the Uzbek court system is related to legal reform, including the synchronization and harmonization of the Labour Code of Uzbekistan and the Civil Procedure Code. The uncertainty regarding the contents of labour regulations and civil procedures in Uzbekistan means that the law cannot achieve its objectives. This means that there is a need for reconstruction and reform of the substance of regulations and procedural rules.<sup>50</sup>

Roscoe Pound classifies the main factors in how the law can protect people's rights and be dynamic with existing problems, including:<sup>51</sup> 1) Law serves as a social engineering tool, acting as an instrument to regulate society to achieve legal goals. This means that in the employment context, existing regulations must be able to create protection for labours while increasing economic stability in Uzbekistan 2) The law caters to the interests of the public, society, and individuals, emphasizing that the government must uphold social order to ensure the protection of people's rights.<sup>52</sup> 3) The law must adapt to social reality and reflect actual social conditions. If the law no longer addresses problems, especially industrial relations disputes, the Uzbek government should start reconstructing its regulations.<sup>53</sup> 4) Legal pragmatism, defined as the primary focus of law on practical outcomes, rather than merely adhering to norms, implies that in the judicial system, dispute resolution should offer genuine solutions to the parties by reducing lengthy and complex legal procedures. This theoretical analysis suggests that the Uzbek justice system requires legal reconstruction to safeguard labours' rights.

First, reconstruction should accommodate courts that specifically handle employment disputes. It is known that the judiciary that handles industrial relations disputes in Uzbekistan is still in the general courts, while the general courts have not been able to accommodate the resolution of labour disputes

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<sup>48</sup> Elke Herrfahrtd-Pähle and others, 'Sustainability Transformations: Socio-Political Shocks as Opportunities for Governance Transitions', *Global Environmental Change*, 63 (2020), 102097 <https://doi.org/10.1016/j.gloenvcha.2020.102097>

<sup>49</sup> F. H. Buckley, 'The Revival of Sociological Jurisprudence', *Journal of Socio-Economics*, 22.3 (1993), 187–97 [https://doi.org/10.1016/1053-5357\(93\)90008-9](https://doi.org/10.1016/1053-5357(93)90008-9)

<sup>50</sup> Thommandru, Maratovich, and Saparovna.

<sup>51</sup> Makoto Ibusuki, 'On Implementing a Therapeutic Jurisprudence-Based Criminal Justice System in Japan', *International Journal of Law and Psychiatry*, 63 (2019), 63–67 <https://doi.org/10.1016/j.ijlp.2018.07.007>

<sup>52</sup> Yuni Wen, 'Public Interest v.s. Special Interest: The Strategic Framing Tactics of Technologies in the Political Arena', *Research Policy*, 53.8 (2024), 105071 <https://doi.org/10.1016/j.respol.2024.105071>

<sup>53</sup> T.R. van Roomen and B. de Jonge, 'Balancing Privacy and Public Interest in the Fight against Illicit Financial Flows Lessons from an European Case Study', *Journal of Economic Criminology*, 5.November 2023 (2024), 100093 <https://doi.org/10.1016/j.jeconc.2024.100093>

effectively and efficiently.<sup>54</sup> For instance, it is necessary to specify the qualifications of competent judges in employment law and establish lengthy judicial processes. By establishing an Industrial Relations Court, Uzbekistan could adopt a specific judicial system to handle labour disputes, similar to Indonesia. Uzbekistan needs to develop a specific judicial institution to resolve disputes in industrial relations, separate from the general judicial system. This court must have specific jurisdiction over employment cases, such as employment termination, rights disputes, and interest disputes. In addition, the government of Uzbekistan can adopt the Special Law on Indonesian Industrial Relations as a guideline in preparing the law's content.<sup>55</sup>

This specific court will build a more systematic and effective multi-level dispute resolution system. The Uzbek government can reconstruct the stages of dispute resolution, starting from non-litigation, bipartite, tripartite, and judicial agendas. The new regulations can establish clear guidelines for judicial procedures, resolution times, and the types of disputes eligible for submission. Industrial relations courts in Indonesia have clear procedures with certain time limits for resolving disputes.<sup>56</sup> With this, Uzbekistan can develop a legal framework and specific judicial institutions to handle industrial relations disputes, making the system more effective and efficient.

Second, clearly define the scope of 'parties' and their rights and obligations in employment relations, including procedural procedures for company officials. The concept of 'parties' in employment dispute cases and their procedural rights and obligations must be clearly defined. The Uzbek government categorizes legal subjects eligible to litigate in employment disputes, similar to Indonesia, where the parties may include labours or labourers, employers, trade or labour unions, and employers' associations. This includes clarifying the status of company officials involved in cases of termination of employment or transfer of labours. Official involvement is a form of responsibility and effort to protect labours' employment rights and violations, thereby preventing the recurrence of employment disputes.<sup>57</sup>

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<sup>54</sup> Kerstin Klenke, *The Sound State of Uzbekistan, The Sound State of Uzbekistan*, 2019 <https://doi.org/10.4324/9781351046435>

<sup>55</sup> Ija Suntana and others, 'Ideological Distrust: Re-Understanding the Debate on State Ideology, Normalization of State-Religion Relationship, and Legal System in Indonesia', *Heliyon*, 9.3 (2023), e14676 <https://doi.org/10.1016/j.heliyon.2023.e14676>

<sup>56</sup> Daud Rismana and Hariyanto, 'Legal System Theory Perspective in Vaccination Policy in the Middle of the Covid-19 Pandemic', *Jurnal IUS Kajian Hukum Dan Keadilan*, 9.3 (2021), 591–606 <https://doi.org/10.29303/ius.v9i3.951>

<sup>57</sup> Geoffrey Gertz, Srividya Jandhyala, and Lauge N.Skovgaard Poulsen, 'Legalization, Diplomacy, and Development: Do Investment Treaties de-Politicize Investment Disputes?', *World Development*, 107 (2018), 239–52 <https://doi.org/10.1016/j.worlddev.2018.02.023>

The principle of equal rights of actors in employment law relations forms the basis of employment legislation.<sup>58</sup>

Third, reconstruction of regulations regarding evidence and verification in industrial disputes. Uzbekistan's judicial system should enhance judicial authority and proactive evidence-gathering mechanisms in labour cases to protect labours' rights. The court must guarantee equality between labours and employers to collect and prove their evidence reasonably.<sup>59</sup> Courts should prioritize proving labours as victims, as they often fail to receive justice in practice. This is due to labours' difficulty accessing company data and documents. This means that judges must not be mistaken in interpreting their considerations and ensure equal rights and equal opportunities for proof for labours and employers. Given the inherent power imbalance between the parties, the government of Uzbekistan should increase the judiciary's authority to proactively gather evidence to objectively determine the facts and protect labours' rights.<sup>60</sup>

Fourth, regulation of procedural procedures for judges in considering court decisions regarding industrial relations disputes. Responding to problems in the Uzbekistan judicial system, which still mixes civil judges without special qualifications in general judicial competence, often creates legal uncertainty due to the need for judges' understanding regarding industrial relations disputes. Therefore, special judicial education and training, particularly in the areas of employment and industrial relations, are required by regulations.<sup>61</sup> If Uzbekistan's legal reconstruction creates a special industrial relations court, it will open up special competence for judges who specifically resolve industrial relations disputes. As a result, the structure of the justice system will also undergo reconstruction by bringing in parties who are competent in the field of employment.<sup>62</sup>

Legal reconstruction is needed, especially in regulations protecting labours' and labours' rights, as well as procedural certainty for resolving employment disputes through the Uzbek judiciary. Based on sociological jurisprudence theory,

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<sup>58</sup> Stefano Osella, 'The Court of Justice and Gender Recognition: A Possibility for an Expansive Interpretation?', *Women's Studies International Forum*, 87.September 2020 (2021), 102493 <https://doi.org/10.1016/j.wsif.2021.102493>

<sup>59</sup> Milena Aćimić Remiković and Laura Sjöberg, 'Montenegrin Gender "Protections" and the Limits of Gender Equality Laws', *Women's Studies International Forum*, 107.October (2024) <https://doi.org/10.1016/j.wsif.2024.103011>

<sup>60</sup> van Uffelen.

<sup>61</sup> Anna Kawalek, 'A Tool for Measuring Therapeutic Jurisprudence Values during Empirical Research', *International Journal of Law and Psychiatry*, 71 (2020), 101581 <https://doi.org/10.1016/j.ijlp.2020.101581>

<sup>62</sup> Petter Gottschalk, 'Economic Crime in the Courtroom: A Case Study of Defense Lawyers' Arguments against Prosecution Evidence', *Journal of Economic Criminology*, 5.March (2024), 100085 <https://doi.org/10.1016/j.jeconc.2024.100085>



regulation must be able to adapt to existing problems in society.<sup>63</sup> Reconstruction and renewal are necessary if the law is no longer able to solve the problem. In Uzbekistan, employment regulations still need to address modern employment relations fully. Therefore, researchers recommend four forms of legal reconstruction adopted from the Indonesian industrial relations justice system to resolve problems related to violations of the labours' rights in Uzbekistan, including: creating a specific industrial relations court; determining the scope of legal subjects and parties in labour relations disputes; reconstructing regulations regarding evidence and evidence in industrial disputes; and regulating procedural procedures for judges in considering court decisions regarding industrial relations disputes.

#### 4. Conclusion

Based on the research results show that *first*, Indonesia has labor laws designed to protect workers' rights and responsibilities and a specialized labor court known as the Industrial Relations Court. Nevertheless, the current regulations continue to encounter numerous challenges, including the lengthy and intricate judicial system mechanism and the discrepancy between theoretical rules and practical implementation. To safeguard labor rights, it is imperative to implement reforms that prioritize the principles of democracy, justice, and equality in labor development, engage the community in the reform process, and streamline the litigation regime. *Second*, Indonesia's Industrial Relations Court is a unique court system that is more responsive to modern industrial relations dynamics than Uzbekistan's labor regulations. Uzbekistan must guarantee the protection of workers' and employers' rights, simplify the litigation process, strengthen the competence of judges, and harmonize and reconstruct labor regulations with civil procedural law. *Third*, legal reconstruction is required to enhance the rules governing workers' rights in Uzbekistan, enabling them to adjust to changing social circumstances. This reconstruction may involve the establishment of a unique industrial relations court. The justice system must ensure that both workers and employers have equal access to evidence, and it must also allow for the proactive collection of evidence to ensure that objective facts are present. Additionally, the judges who manage cases must possess specialized expertise.

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<sup>63</sup> Nadine Schibille and others, 'Geochemical Variations in Early Islamic Glass Finds from Bukhara (Uzbekistan)', *Geochemistry*, 84.1 (2024) <https://doi.org/10.1016/j.chemer.2024.126078>

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