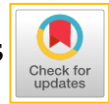


The State's Injustice: Failing to Protect Fixed-Term Workers' Rights



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ABSTRACT

Labor market flexibility is widely promoted, with fixed-term employment contracts as a key component. However, concerns remain about whether this employment status provides fair protection for workers. This study examines regulatory gaps in Indonesia's fixed-term employment agreements to assess their fairness and propose ideal legal protections. Using a normative legal research method, this study compares the legal frameworks for fixed-term contract workers in Indonesia, Germany, and Somalia. It applies a normative approach, legislative techniques, and legal system theory to identify weaknesses and recommend fair policies. Findings reveal significant differences in legal protection. Germany enforces strict regulations ensuring worker rights, Indonesia adopts a more flexible system but struggles with weak supervision, while Somalia provides minimal protection due to regulatory gaps. Indonesia's fixed-term employment regulations remain unfair due to legal loopholes, inadequate labor supervision, and low legal awareness among workers and employers. To address these issues, labor regulations should enhance job security, prevent unilateral termination and discrimination, and strengthen dispute resolution mechanisms. An ideal legal framework must balance worker protections with business flexibility, ensuring fairness while supporting economic growth.



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1. Introduction

In recent decades, labor market deregulation, globalization, and intensified competition have rapidly transformed the social and economic structures of modern societies. These shifts have also contributed to rising economic uncertainty, closely linked to challenges in employment and unemployment.¹ Employment issues remain unresolved and continue to draw widespread attention. These challenges include various conflicts between employees and employers, such as industrial disputes, workplace violence, fraud, unilateral termination, substandard wages, violations of working hours, and denial of leave

¹ Luca Pieroni and others, 'Temporary Employment and Fertility in Italy: The Effect of Two Labor Market Reforms in the Early 2000s', *Economic Modelling*, 124.106298 (2023), 1–13 <https://doi.org/10.1016/j.econmod.2023.106298>

rights.² Additional issues include the lack of company regulations being communicated to workers, the absence of labor unions, and the failure to establish mutually agreed-upon work contracts. As a result, many workers are unaware of their rights and obligations, leaving them vulnerable to exploitation.³

The discourse on employment issues is often linked to labor market inefficiencies. Labor market flexibility refers to the idea that workers can freely allocate their labor in response to job and wage fluctuations, while employers can adjust their workforce based on changing profit opportunities. In Indonesia, labor market flexibility is evident in the rise of contractual employment, including Fixed-Term Employment Agreements (PKWT), outsourcing, freelance work, and the gig economy.⁴ The following is data on the number of industrial relations disputes in 2023-2024.

Table 1. Industrial Relations Dispute Data for 2023-2024.

| No | Year | Month | Types of Disputes | | | | Amount |
|--------------|------|-----------|-------------------|----------------------|---------------------|------------|--------------|
| | | | Rights Dispute | Conflict of Interest | Termination dispute | Other | |
| 1. | 2023 | January | 46 | - | 412 | 32 | 490 |
| 2. | 2023 | February | 17 | 18 | 432 | 40 | 498 |
| 3. | 2023 | March | 30 | 8 | 573 | 25 | 636 |
| 4. | 2023 | April | 10 | - | 125 | 5 | 140 |
| 5. | 2023 | May | 5 | - | 347 | 30 | 382 |
| 6. | 2023 | June | 51 | 7 | 328 | 14 | 400 |
| 7. | 2023 | July | 32 | 9 | 460 | 36 | 537 |
| 8. | 2023 | August | 36 | 21 | 462 | 36 | 555 |
| 9. | 2023 | September | 29 | 1 | 414 | 29 | 473 |
| 10. | 2023 | October | 39 | 9 | 517 | 67 | 632 |
| 11. | 2023 | November | 208 | - | 525 | 103 | 836 |
| 12. | 2023 | December | 35 | 10 | 309 | 17 | 371 |
| 13. | 2024 | January | 46 | - | 574 | 38 | 658 |
| 14. | 2024 | February | 29 | - | 429 | 40 | 498 |
| 15. | 2024 | March | 29 | - | 286 | 69 | 384 |
| 16. | 2024 | April | 137 | - | 210 | 10 | 357 |
| 17. | 2024 | May | 30 | - | 257 | - | 287 |
| 18. | 2024 | June | 13 | - | 290 | 13 | 316 |
| 19. | 2024 | July | 19 | - | 265 | 3 | 287 |
| 20. | 2024 | August | 3 | 4 | 224 | 9 | 240 |
| 21. | 2024 | September | 17 | - | 156 | 8 | 181 |
| Total | | | 861 | 87 | 7,586 | 624 | 9.158 |

Source: *Employment Report in Data edition 2 2024*

² Petra Mahy, 'Indonesia's Omnibus Law on Job Creation: Legal Hierarchy and Responses to Judicial Review in the Labour Cluster of Amendments', *Asian Journal of Comparative Law*, 17.1 (2022), 51–75 <https://doi.org/10.1017/asjcl.2022.7>

³ Orestis Papadopoulos, Marti Lopez-Andreu and Mandi Jamalian, 'Violation and Lack of Awareness of Employment Rights in the United Kingdom's Hotel Industry: Isolation, Fragmentation and Barriers to Labour Enforcement', *Industrial Relations Journal*, 52.4 (2021), 315–30 <https://doi.org/10.1111/irj.12337>

⁴ Nabiyla Risfa Izzati, 'Kepastian Hukum vs Ketidakpastian Kerja: Substansi Ketenagakerjaan Dalam Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja', *Jurnal Hukum IUS QUIA IUSTUM*, 31.2 (2024), 384–407 <https://doi.org/10.20885/iustum.vol31.iss2.art7>

Employment law reforms have been implemented to enhance workforce quality and improve worker welfare.⁵ In Indonesia, labor law reform began with the issuance of Law Number 21 of 2000 on Trade Unions/Labor Unions, followed by Law Number 13 of 2003 on Manpower. These reforms aimed to ensure justice and protection for workers while fulfilling the mandate of the 1945 Constitution—to support holistic national development, uplift workers' dignity, and create a fair, prosperous, and equitable society both materially and spiritually. However, in practice, these objectives have not been fully realized. Various factors contribute to this shortfall, one of which is the widespread use of Fixed-Term Employment Agreements (PKWT), which often undermine workers' rights and job security.⁶

A Fixed-Term Employment Agreement (PKWT) is a type of employment relationship regulated under Law Number 13 of 2003 on Manpower in Indonesia.⁷ The Fixed-Term Employment Agreement (PKWT) is designed to offer flexibility for both employers and workers in meeting temporary or specific work needs. However, in practice, its implementation is often ineffective, primarily due to inadequate government supervision.⁸ Additionally, the high demand for permanent jobs often places workers under Fixed-Term Employment Agreements (PKWT) in a disadvantaged position. Many recognize that the provisions of Article 59 of the Manpower Law are ineffective due to a lack of government supervision and the greater demand for permanent employment. Therefore, legal protection for PKWT workers is essential to ensure equal opportunities and fair treatment for both workers and their families.⁹ Legal protection for workers under Fixed-Term Employment Agreements (PKWT) is a fundamental right safeguarded by the constitution, as stated in Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This protection aims to uphold workers' rights, ensuring equal opportunities and fair treatment in the workplace.¹⁰

⁵ Gregoris Ioannou and Ruth Dukes, 'Anything Goes? Exploring the Limits of Employment Law in UK Hospitality and Catering', *Industrial Relations Journal*, 52.3 (2021), 255–69 <https://doi.org/10.1111/irj.12329>

⁶ Michele Fedryca and Rasji, 'Validity of the Collective Agreement in Terminating a Fixed Term Employment Agreement According to Labor Law', *JLPH: Journal of Law, Politic, and Humanities*, 5.1 (2024), 684–89 <https://doi.org/10.38035/jlph>

⁷ Abdul Kadir Jaelani, 'The Restructuring Righteous Foreign Worker Regulations: The Challenge Of Enormous Influx Of Foreign Workers', *Jurnal Hukum UNISSULA*, 40.1 (2023) <https://doi.org/http://dx.doi.org/10.26532/jh.v40i1.36781>

⁸ Azahery Insan Kamil, Hari Purwadi and Isharyanto Isharyanto, 'The Regulation of Employment Agreements after the Enactment of Law Number 11 of 2020 Concerning Job Creation', *Research, Society and Development*, 11.10 (2022), 1–7 <https://doi.org/10.33448/rsd-v11i10.32843>

⁹ Nur Putri Hidayah, Quincy R. Cloet and David Pradhan, 'The Implementation of Labor Development Principles According to Job Creation Law as a Reason to Protect Wages Rights', *Bestuur*, 9.1 (2021), 68–76 <https://doi.org/10.20961/bestuur.v9i1.49252>

¹⁰ 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>

Indonesia's legal framework is largely influenced by investment and business interests, leading to frequent legislative changes. This is evident in the enactment of the Job Creation Law, which amended Law Number 13 of 2003 and was later formalized through Law Number 6 of 2023.¹¹ The enactment of Law Number 6 of 2023, which formalizes Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation, has introduced changes to the provisions governing Fixed-Term Employment Agreements (PKWT).¹² The government has also issued a derivative regulation, Government Regulation Number 35 of 2021, which governs Fixed-Term Employment Agreements (PKWT), outsourcing, working hours, rest periods, and termination of employment (PHK).¹³ Changes to the structure of employment agreements do not necessarily resolve existing issues. The unfair formulation of Fixed-Term Employment Agreements (PKWT) in Indonesian labor laws stems from provisions that do not align with labor market needs. This disparity affects both the fulfillment of workers' rights and the types of jobs permitted under PKWT status.¹⁴ The unequal treatment of Fixed-Term Employment Contract (PKWT) workers creates uncertainty and injustice in employment relationships. Due to the contract's limited duration and the high risk of termination, these workers often lack job security. This instability not only affects their economic well-being but also significantly impacts their social and psychological stability.¹⁵

According to data from the Ministry of Manpower (2023), there were 12,500 complaints related to violations of Fixed-Term Employment Agreements (PKWT) in both the formal and informal sectors over the past two years. Of these cases, approximately 45% were resolved through mediation. Violations often stem from a lack of understanding of labor regulations, leading to issues such as unilateral dismissals, inadequate wage payments, and contract terms that do not comply with legal provisions. The manufacturing sector accounted for 32% of reported violations, followed by the trade sector at 28% and the service sector at 25%. These violations frequently arise from inconsistencies between contract terms and the

¹¹ Siti Kunarti, Nur Putri Hidayah and Muhammad Bahrul Ulum, 'The Legal Politics of Outsourcing and Its Implication for the Protection of Workers in Indonesia', *Sriwijaya Law Review*, 8.1 (2024), 1–19 <https://doi.org/10.28946/slrev.Vol8.Iss1>

¹² Arinto Nugroho and others, 'The Impact of Labor Law Reform on Indonesian Workers: A Comparative Study After the Job Creation Law', *Lex Scientia Law Review*, 8.1 (2024), 65–106 <https://doi.org/10.15294/lslr.v8i1.14064>

¹³ Evanto Pandora Manalu and Siti Hajati Hoesin, 'Change in The Status of A Certain Time Work Agreement to An Indefinite Time Work Agreement after Government Regulation in Lieu of Law Number 2 of 2022 Concerning Job Creation Takes Effect', *Devotion: Journal of Research and Community Service*, 4.4 (2023), 978–86 <https://doi.org/10.36418/devotion.v4i4.454>

¹⁴ Fithriatus Shalihah and others, 'Fixed-Time Employment Agreement Based on Legal Awareness to Realize Harmonious Employment Relationship', *Substantive Justice International Journal of Law*, 5.2 (2022), 178 <https://doi.org/10.56087/substantivejustice.v5i2.184>

¹⁵ Yoshi Erlina, Yuhelson Yuhelson and Supphaphorn Akkapin, 'Juridical Implications and Welfare In Fixed-Time Work Agreements', *Journal Evidence Of Law*, 4.1 (2025), 135–38 <https://doi.org/https://doi.org/10.59066/jel.v4i1.1059>

provisions outlined in the Manpower Law.¹⁶ For example, in some informal sector contracts, the duration of Fixed-Term Employment Agreements (PKWT) exceeds the maximum limit allowed by regulations. This highlights illegal practices that disadvantage workers, particularly those unaware of their rights. The data on PKWT violations indicate that legal protection for workers remains inadequate and unfair. Therefore, the government must revise existing regulations and enhance legal awareness among both workers and employers.¹⁷

Unlike in Indonesia, Somalia in the Interim Constitution of the Federal Republic of Somalia (adopted in August 2012) provides a legislative framework for employment issues. Somalia's Employment Law (Law No. 65, adopted in 1972) is a specific employment law that regulates all aspects of employment and working conditions, including: employment contracts, terms and conditions, remuneration, and occupational health and safety, trade unions and employment authorities.¹⁸ The provisions of the Employment Law apply to all employers and employees in all project areas and apply to all workers. The Employment Law is generally consistent with ESS2, while there are significant gaps in enforcement of the law (see Section VIII on institutional framework). Public services or public institutions are regulated by the Civil Service Law (Law No. 11).¹⁹ The Federal Ministry of Employment and Social Affairs (MOLSA) is responsible for employment policy and the regulatory framework. The State Ministry of Labor in each State is responsible for the implementation of labor laws, including labor inspection. While five states have labor ministries, only Puntland has three labor inspectors under the minister. The other states do not have functioning labor inspectorates.²⁰

Previous research by Liang Ma (2025), who found and analyzed regulations regarding This study underlines the detrimental effects of short-term contracts on the financial health of migrant workers' households and highlights the role of financial literacy as a mitigating factor. These findings provide valuable insights for policymakers and social organizations in developing targeted strategies to improve the financial well-being of this vulnerable group.²¹ Furthermore, there is

¹⁶ Andi Hakim Lubis, 'Legal Policy Against People Smuggling As A Crime Of Trafficking In Persons With A Transnational Dimension', *Jurnal Hukum Unisula*, 40.2 (2024), 192–213 <https://doi.org/http://dx.doi.org/10.26532/jh.v40i2.40550>

¹⁷ Victor Shcherbyna, 'Transparent and Predictable Labour Conditions in European Union: Legal and Comparative Study', *Jurnal Hukum Unisula*, 39.2 (2023), 307–25 <https://doi.org/http://dx.doi.org/10.26532/jh.v39i2.32573>

¹⁸ Berliana Dwi Arthanti, Nabilla Dyah, and Eka Pramudhita, 'Law and Human Rights in Addressing Labor Problems during the Pandemic to Achieve Sustainable Development Goals', *Lex Scientia Law Review* 4(2), 4.2 (2020), 39–54 <https://doi.org/https://doi.org/10.15294/lesrev.v4i2/40897>

¹⁹ Siti Faridah, 'Isu Pekerja Anak Dan Hubungan Dengan Hak Asasi Manusia', *Lex Scientia Law Review*, 2.2 (2019), 163–77 <https://doi.org/https://doi.org/10.15294/lesrev.v3i2.35398>

²⁰ Sholahuddin Al-fatih and others, 'The Hierarchical Model of Delegated Legislation in Indonesia', *Lex Scientia Law Review*, 7.2 (2023) <https://doi.org/https://doi.org/10.15294/lesrev.v7i2.74651>

²¹ Begüm İsbîr, 'Legal Dilemma Regarding Mobbing In Public Law : Is It Administration Or Discrimination?', *Cuestiones & Fisioterapia*, 54.3 (2025), 871–82 <https://doi.org/https://doi.org/10.48047/sh0nns75>

research conducted by Salma Mayriska Putri (2024) which shows that there are companies that violate contracts with Fixed-Term Work Agreement workers by failing to pay wages on time, which is clearly detrimental to workers.²² Furthermore, research by Muhammad Syahrul Borman (2024) shows that there needs to be an institution that plays a role in improving the rules for fixed-term work agreements, so that legislative planning is not arbitrary in making regulations.²³ Further research was conducted by Yoshi Erlina (2025) which showed that the implementation of Fixed-Term Work Agreements has not fully met the principles of justice and welfare, so it is necessary to revise regulations and policies to protect workers.²⁴ Furthermore, research by Rahmat Syah (2020) shows that employment agreements have a very important role in protecting the rights of workers, anticipating the ignorance of workers that can be exploited and cause losses to workers and employment agreements can be used to anticipate human rights violations caused by discrimination and violations of other rights.²⁵

Several studies have investigated the protection of workers with Fixed-Term Employment Agreement status. However, there is still a gap. The gap in the current literature is more than just the absence of research. It is a significant void that needs to be filled. This gap arises from the need for more research on the state that is fair in protecting workers' rights, especially workers with fixed-term employment status. After several regulations regarding the implementation of Fixed-Term Employment Agreements, more research is needed on the state's unfairness in protecting workers with Fixed-Term Employment Agreement status in developing these regulations. Therefore, the main focus of this study is not only to fill this gap but also to potentially influence the awareness of several parties, both the government, employers, and workers about whether regulations in protecting the rights of workers with Fixed-Term Employment Agreement status are fair and the ideality of labor regulations related to the protection of workers with fixed-term employment agreement status that are fair

2. Research Method

This study uses normative legal research to compare state policies protecting workers with fixed-term employment agreement status, namely Indonesia,

²² Salma Mayriska Putri and Sulastris Sulastris, 'Provision of Compensation for Breach of Contract in Fixed-Term Work Agreements (PKWT), A Case Study of Marvel Studios Exhibition Indonesia', *Journal of Law, Politic and Humanities*, 4.5 (2024), 1265–74 <https://doi.org/10.38035/jlph.v4i5.481>

²³ Muhammad Syahrul Borman and others, 'Shift in The Characteristics of Certain Fixed-Term Work Agreements in Employment Contracts Post The Omnibuslaw Was Implemented in Indonesia', *Journal of Law and Sustainable Development*, 12.1 (2024), e2788 <https://doi.org/10.55908/sdgs.v12i1.2788>

²⁴ Yoshi Erlina, Yuhelson Yuhelson and Supphaphorn Akkapin.

²⁵ Rahmat Syah, 'Legal Protection for Contract Workers in a Fixed -Time Work Agreement According to The Labor Law and Human Rights Law', *International Journal of Mechanical and Production Engineering Research and Development (IJMPERD)*, 10.2 (2020), 13597–606 <https://doi.org/IJMPERDJUN20201295>

German, and Somalia, to find and recommend state policies to protect equitable workers' rights. This research method uses Legislative techniques related to the review of all relevant legal guidelines and policies.²⁶ In addition, this study uses a conceptual approach. This study also uses legal system theory to discuss and examine problems related to the weaknesses of regulations for protecting workers with fixed-term employment agreements. Primary and secondary data are the types of data used. Legal material collection techniques include literature studies of documents, archives, books, and proven scientific research results. The analysis techniques used are systematic and prescriptive. Systematic analysis deconstructs relevant legal components, while prescriptive analysis provides recommendations for improving employment policies. The use of this method increases the validity of research findings. It provides a strong basis for drawing conclusions that align with the context of workers' rights protection in Indonesia.²⁷

3. Results and Discussion

Comparison of Labor Laws on Fixed-Term Contracts: Germany, Indonesia, Somalia

A comparison of labor laws with Fixed-Term Employment Agreement status in Germany, Indonesia, and Somalia shows fundamental differences in the effectiveness of labor protection based on Lawrence M. Friedman's theory of legal effectiveness, which includes three main elements: legal structure, legal substance, and legal culture.²⁸ In this context, *Ubi societas, ibi ius* (where there is society, there is law) reflects how each country builds its legal system to suit its society's social and economic needs.²⁹

²⁶ Ni Komang Sutrisni and others, 'The Compliance of Governance on Family Data Protection Regulation', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 706–41 <https://doi.org/https://doi.org/10.53955/jhcls.v4i3.293>

²⁷ Agi Attaubah Hidayat and others, 'Fulfilment of the Right to an Adequate Standard of Living for Workers According to the Universal Declaration of Human Rights: A Review of Constitutional Court Decision No. 168/PUU-XXI/2023', *Qanuniya: Jurnal Ilmu Hukum*, 2.1 (2025), 1–10 <https://doi.org/10.15575/qanuniya.v2i1.1043>

²⁸ Michael Anthony C Dizon, 'Socio-Legal Study of Technology: A Norms and Values Approach to Hacking and Encryption Law and Policy', *Computer Law & Security Review*, 52 (2024), 105958 <https://doi.org/https://doi.org/10.1016/j.clsr.2024.105958>

²⁹ Elizabeth A Hoffmann, 'Moralizing the Law: Lactating Workers and the Transformation of Supervising Managers', *Law & Society Review*, 56.1 (2022), 28–52 <https://doi.org/10.1111/lasr.12588>

Table 2. Comparison of Labor Law with Fixed-Term Employment Contract Status in Three Country

| Aspect | German | Indonesia | Somalia |
|--------------------------|--------------------------------|---|--|
| Legal basis | BGB, TzBfG | Employment Law No. 13/2003 | Labour Code of Somalia 1972. In the development stage and does not yet have a comprehensive legal instrument. |
| Duration of PKWT | Max. 2 years (with extension) | Max. 2 years, can be extended 1x | Flexible, depending on agreement |
| Extension of PKWT | Restricted, legitimate reasons | Limited, after extension becomes permanent | Irregular, depends on agreement |
| Workers' Rights | Same as permanent workers | Same as permanent workers during the contract | Limited, often unclear |
| Layoff Protection | There is strong protection | There is protection, depending on the agreement | Limited, no clear protection |

Source: processed by the Author

In Germany, the legal framework for Fixed-Term Employment Agreements (PKWT) is strictly regulated under the *Teilzeit- und Befristungsgesetz* (TzBfG). Additionally, the *Bürgerliches Gesetzbuch* (BGB) establishes clear limitations on the use of PKWT, ensuring legal certainty and worker protection.³⁰ In Germany, PKWT is only permitted under specific conditions, such as replacing permanent workers on leave, temporary project work, or other justified reasons. The legal framework limits PKWT to a maximum duration of two years, with the possibility of extension up to three times. If a PKWT contract exceeds the allowed duration without a valid reason, it automatically converts into a permanent employment contract. Additionally, PKWT workers have the same rights as permanent employees, including access to social security, health insurance, and protection from unilateral termination (PHK).³¹ In terms of legal culture, both workers and employers in Germany exhibit a high level of legal awareness, reinforced by strong trade unions and effective law enforcement mechanisms. The government and labor supervisory bodies actively ensure compliance with existing regulations, making PKWT laws in Germany highly effective. This reflects the principle of *Fiat justitia ruat caelum* (let justice be done, though the heavens fall), as German employment law is strictly enforced to safeguard workers' rights.³²

³⁰ Manfred Weiss, 'Recent Trends in the Development of Labor Law in the Federal Republic of Germany', *Law & Society Review*, 23.5 (1989), 759–771 <https://doi.org/10.2307/3053761>

³¹ Mark Fathi Massoud, 'Taking Workers' Rights to Unexpected Places', *Law & Society Review*, 57.3 (2023), 385–389 <https://doi.org/10.1111/lasr.12676>

³² Orin Gusta Andini and others, 'Indonesia's Safeguarding of Human Rights to Achieve Sustainable Development Goals: Insights from Australia's Experience', *Journal of Sustainable Development and Regulatory Issues*, 3.1 (2025), 1–28 <https://doi.org/https://doi.org/10.53955/jsderi.v3i1.53>

In Indonesia, the legal framework for PKWT is regulated under Law Number 13 of 2003 on Manpower, which was later amended by the Job Creation Law (Law No. 11 of 2020).³³ This regulation stipulates that PKWT may only be applied to temporary, seasonal, or project-based work, with a maximum contract duration of five years. However, its implementation in Indonesia faces challenges, as many companies misuse PKWT to circumvent their obligation to grant permanent employment status to workers.³⁴ Many companies repeatedly extend work contracts without granting permanent employee status, ultimately disadvantaging workers. Although regulations stipulate that PKWT workers are entitled to the same wages as permanent employees and protection from arbitrary termination, many contract workers still face uncertainty regarding their rights, particularly severance pay and social security.³⁵

Regarding legal culture, workers in Indonesia have relatively low awareness of their rights, while government supervision remains weak due to limited resources and a lack of strict law enforcement.³⁶ Existing labor unions are not always effective in advocating for contract workers' rights, making the enforcement of PKWT laws in Indonesia only moderately effective. While regulations are in place, their implementation faces numerous challenges. In this context, *Summum ius, summa iniuria* (the strictest law can lead to the greatest injustice) aptly reflects Indonesia's labor law situation, where regulations exist but are often poorly enforced, allowing companies to exploit them for business interests rather than protecting workers.³⁷

In contrast, the labor law structure in Somalia is very weak due to political instability, lack of clear regulations, and weak government institutions in enforcing labor laws.³⁸ No specific law explicitly regulates PKWT, and many workers are employed without formal contracts or clear legal protection. As a result, the legal substance related to PKWT in Somalia is minimal, with provisions regarding contract duration, workers' rights, and protection against dismissal

³³ Bambang Eko Afiatno and Karno Dwi Joyoutomo, 'The Economic Impact of Dry Port Investment in Indonesia: A Case Study of Bangil, Pasuruan District, East Java Province', *Cleaner Logistics and Supply Chain*, 13 (2024), 100179 <https://doi.org/https://doi.org/10.1016/j.clscn.2024.100179>

³⁴ Pavel Chakraborty, Devashish Mitra and Asha Sundaram, 'Import Competition, Labor Market Regulations, and Firm Outsourcing', *Journal of Development Economics*, 168 (2024), 103272 <https://doi.org/https://doi.org/10.1016/j.jdeveco.2024.103272>

³⁵ Paul Atagamen Aidonojie and others, 'Examining Human Rights Abuses on Religious, Cultural, and Political Intolerance in Nigeria', *Journal of Sustainable Development and Regulatory Issues*, 3.1 (2025), 78–94 <https://doi.org/https://doi.org/10.53955/jsderi.v3i1.55>

³⁶ Hien Duc Han, Kartick Gupta and Chandrasekhar Krishnamurti, 'Are Labor Laws and Employee Welfare Complements in Determining Leverage Ratios?', *Pacific-Basin Finance Journal*, 88 (2024), 102545 <https://doi.org/https://doi.org/10.1016/j.pacfin.2024.102545>

³⁷ Rina Arum Prastyanti and Prattana Srisuk, 'Achieving Sustainable Consumer Protection in the Era of Social Media', *Journal of Sustainable Development and Regulatory Issues*, 3.1 (2025), 121–46 <https://doi.org/https://doi.org/10.53955/jsderi.v3i1.52>

³⁸ Sally Engle Merry, 'Race, Inequality, and Colonialism in the New World Order', *Law & Society Review*, 40.1 (2006), 235–247 <https://doi.org/10.1111/j.1540-5893.2006.00255.x>

almost non-existent—most workers in Somalia work in the informal sector without social security or job security.³⁹ Even in the formal sector, employment contracts are often flexible and more beneficial to employers than workers.⁴⁰ Regarding legal culture, workers' awareness of their rights is very low, and there are no strong trade unions to fight for the interests of workers.⁴¹ As a result, companies often take advantage of weak regulations and supervision to avoid obligations to their workers. Under these conditions, the effectiveness of PKWT law in Somalia is very low because there is no adequate legal protection for contract workers, both in terms of structure, substance, and the legal culture that has developed in the country. *Lex iniusta non est lex* (an unjust law is no law) is particularly relevant in the context of labor law in Somalia, where the existing legal system fails to provide adequate protection for workers and favors those in power.⁴²

The comparison shows that the effectiveness of the law in regulating PKWT is highly dependent on how a country builds and enforces its legal structure, substance, and culture. Germany is an example of a country with high legal effectiveness, where clear regulations and strict monitoring mechanisms can ensure protection for contract workers. Indonesia is at a moderate level of legal effectiveness because even though regulations are in place, many loopholes still allow violations of PKWT workers' rights. Meanwhile, Somalia has very low legal effectiveness in protecting contract workers due to inadequate regulations, weak law enforcement institutions, and low awareness of labor rights. Thus, the effectiveness of the law in regulating PKWT is determined not only by the existence of regulations but also by the extent to which the law can be enforced and supported by a strong legal culture in each country. In line with *Dura lex, sed lex* (the law is harsh, but still the law), countries with high legal effectiveness, such as Germany, show that strict and firm laws can provide better worker protection. On the other hand, without proper enforcement, the law will be just text on paper with no real meaning for the workers who are supposed to receive protection.⁴³

³⁹ Andrew B Wolf, 'The Fight to Globalize Labor: Understanding the Role of Activists in the Spread of International Norms', *Law & Society Review*, 54.3 (2020), 607–642 <https://doi.org/10.1111/lasr.12496>

⁴⁰ Annabel Ipsen, 'Repeat Players, the Law, and Social Change: Redefining the Boundaries of Environmental and Labor Governance Through Preemptive and Authoritarian Legality', *Law & Society Review*, 54.1 (2020), 201–232 <https://doi.org/10.1111/lasr.12462>

⁴¹ Filiz Kahraman, 'What Makes an International Institution Work for Labor Activists? Shaping International Law through Strategic Litigation', *Law & Society Review*, 57.1 (2023), 61–82 <https://doi.org/10.1111/lasr.12643>

⁴² & Abdur Rohim. Abdul Kadir Jaelani, Resti Dian Luthviati, Muhammad Jihadul Hayat, 'Halal Tourism Sector and Tax Allowance Policy: A Case Study Observed from Normative Problems to Effective Implementation', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 23.2 (2023), 185–210. <https://doi.org/https://doi.org/10.18326/ijtihad.v23i2.185-210>

⁴³ Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, 'The Government 's Role in Interfaith Marriage Rights Protection : A Case Study of Adjustment and Social Integration', *Journal of Human*

Unfair Legal Protection for Workers with Fixed-Term Employment Agreements

Companies are implementing Fixed-term Employment agreements more because they are considered more efficient and effective in obtaining greater profits by reducing costs and the number of workers needed. Suppose the company's position has many workers. In that case, the company must provide various benefits for the welfare of its workers, such as health care benefits, long service award benefits, and others.⁴⁴ However, for Fixed Term Employment Agreement workers, the policy of using the Fixed Term Employment Agreement system is considered less beneficial because it does not have certainty in terms of length of work appointment as a permanent employee, which affects career levels, status, or position as a worker, and severance pay at the end of the contract period.⁴⁵

Legal protection for workers with Fixed Term Employment Agreement status in Somalia is still minimal compared to other countries.⁴⁶ This condition is caused by various factors, such as political instability, weak government institutions, and the lack of specific regulations that regulate employment relations.⁴⁷ In general, labor law in Somalia is still in the development stage.⁴⁸ It does not yet have a comprehensive legal instrument to guarantee workers' rights, especially those working in a temporary contract system.⁴⁹ It is in line with *Lex iniusta non est lex*, where weak labor regulations make worker protection almost non-existent, so the law that should protect them is not functioning effectively.

In terms of legal structure, Somalia does not yet have a systematic and effectively implemented labor law.⁵⁰ Existing labor regulations still broadly refer

Rights, Culture and Legal System, 3.2 (2023), 265–87
<https://doi.org/https://doi.org/10.53955/jhcls.v3i2.105>

⁴⁴ Christopher J. Boudreaux, 'Employee Compensation and New Venture Performance: Does Benefit Type Matter?', *Small Business Economics*, 57.3 (2021), 1453–77 <https://doi.org/10.1007/s11187-020-00357-5>

⁴⁵ Wisely Wisely and Endah Pertiwi, 'Comparison Between Law Number 13 of 2003 and Government Regulation Number 35 of 2021 in Termination of Employment for Workers, Certain Time Employment Agreements in the Contract Period Associated with the Employment Creation Law', in *Proceedings of the International Conference on Law, Public Policy, and Human Rights (ICLaPH 2023)* (Atlantis Press, 2024), pp. 124–31 https://doi.org/10.2991/978-2-38476-279-8_15

⁴⁶ Benjamin Powell, Ryan Ford and Alex Nowrasteh, 'Somalia after State Collapse: Chaos or Improvement?', *Journal of Economic Behavior & Organization*, 67.3 (2008), 657–70 <https://doi.org/https://doi.org/10.1016/j.jebo.2008.04.008>

⁴⁷ Merry.

⁴⁸ Joëlle Moret, 'Mobility Capital: Somali Migrants' Trajectories of (Im)Mobilities and the Negotiation of Social Inequalities across Borders', *Geoforum*, 116 (2020), 235–42 <https://doi.org/https://doi.org/10.1016/j.geoforum.2017.12.002>

⁴⁹ Abdifatah Ismael Tahir, 'Critical Infrastructures as Sites of Conflict over State Legitimacy: The Case of Hargeisa Airport in Somaliland, Northern Somalia', *Geoforum*, 125 (2021), 110–19 <https://doi.org/https://doi.org/10.1016/j.geoforum.2021.06.019>

⁵⁰ Fatma Ulfatun Najicha and others, 'The Conceptualization of Environmental Administration Law in Environmental Pollution Control', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 87–99 <https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55>

to colonial laws implemented before the Civil War and have not been adequately updated to adapt to current developments. The Somali government has the 1972 Somalia Labor Code, but its implementation is weak due to the prolonged conflict and the ineffectiveness of state institutions in enforcing the rules.⁵¹ In practice, no labor supervisory body can ensure company compliance with work agreement standards, including for PKWT workers. In addition, the weak legal structure is exacerbated by the low capacity of labor courts to resolve disputes between workers and employers. Most of the workforce in Somalia works in the informal sector, which has no legal protection.⁵² Many companies employ contract workers without clear work agreements, making them more vulnerable to exploitation and unilateral termination of employment without adequate compensation. *Fiat justitia, ruat caelum* does not apply in Somali labor law because existing laws are not well enforced and are often ignored by those in power.⁵³

Unlike countries such as Germany and Indonesia, which have strict regulations on PKWT, Somali law does not provide clear limits on the duration of temporary work contracts, contract extensions, or company obligations towards workers on temporary contracts. The 1972 Somali Labour Code states that workers have the right to decent wages and safe working conditions. However, there is no specific detail on the rights of contract workers regarding social security, severance pay, or protection against unfair termination of employment.⁵⁴

The absence of rules regarding the maximum duration of PKWT allows companies to renew contracts indefinitely, which ultimately harms workers because they do not have job security and the rights that permanent workers should have.⁵⁵ Furthermore, due to the absence of a mechanism that regulates employers' obligations to contract workers, many companies in Somalia do not provide health insurance, social benefits, or adequate leave rights for PKWT workers.⁵⁶ *Summum ius, summa injuria* (a law that is too strict can be the greatest injustice) is reversed in Somalia—not because the law is too strict, but because the laxity of the law allows injustice to workers. Regarding legal culture, workers'

⁵¹ Zakarie Yusuf Muse, 'A Review Article on the Somali Labour Code (1972)', 7.6 (1972), 16–42 <https://doi.org/https://thelawbrigade.com/2454-1273>

⁵² Tongtan Chantararat and others, 'Where Are the Labor Markets?: Examining the Association between Structural Racism in Labor Markets and Infant Birth Weight', *Health & Place*, 74 (2022), 102742 <https://doi.org/https://doi.org/10.1016/j.healthplace.2022.102742>

⁵³ Rahayu Subekti and others, 'Solidifying the Just Law Protection for Farmland to Anticipate Land Conversion', *International Journal of Economic Research*, 14.13 (2017), 69–79 https://doi.org/https://serialsjournals.com/abstract/38652_6.pdf

⁵⁴ Lego Karjoko and others, 'Islamic Court ' s Approach to Land Dispute in Inheritance Cases', *AHKAM: Jurnal Ilmu Syariah*, 21.2 (2021), 213–38 <https://doi.org/https://doi.org/10.15408/ajis.v21i2.21864>

⁵⁵ Andrei Gorshkov, 'Job Ladders and Labour Market Assimilation of Immigrants', *Labour Economics*, 90 (2024), 102594 <https://doi.org/https://doi.org/10.1016/j.labeco.2024.102594>

⁵⁶ Malin Bogren and others, 'Health Workforce Perspectives of Barriers Inhibiting the Provision of Quality Care in Nepal and Somalia – A Qualitative Study', *Sexual & Reproductive Healthcare*, 23 (2020), 100481 <https://doi.org/https://doi.org/10.1016/j.srhc.2019.100481>

rights awareness is still very low. Most workers, especially those working in the informal sector or as contract workers, do not have sufficient knowledge of their labor rights. The absence of strong labor unions is a significant factor in why labor rights are not optimally fought.⁵⁷

In Somalia, employment relationships are often more informal, with many workers accepting jobs without written contracts and relying solely on verbal agreements with their employers.⁵⁸ It leaves them highly vulnerable to exploitation, especially as there are no institutions or mechanisms to help them in the event of rights violations. Somalia's legal culture is still influenced by a clan-based society, where social networks rather than legal regulations often determine decisions regarding employment relationships. As a result, workers with PKWT status often do not have clear legal protection when facing employment problems, such as unilateral termination of employment, non-payment of decent wages, or inhumane working conditions. In this condition, *Dura lex, sed lex* cannot be applied because the existing law is not strong enough to protect contract workers.

In Indonesia, legal protection for workers with Fixed Term Employment Agreement status has experienced quite significant development. Fixed-term employment Agreements were previously regulated through Article 56, paragraph (1) and paragraph (2) of the Manpower Law, as amended by the Job Creation Law. This regulation provides a legal basis for the mechanism of Fixed-Term Employment Agreements, contract duration, and conditions that must be met so that the employment contract does not violate workers' rights.⁵⁹ The role of the Job Creation Law is vital because it aims to provide certainty and protection for workers through written legal products. In addition, through written regulations, workers can obtain a decent life with guarantees and protection far from expectations. In addition, workers who already have jobs are at risk of losing their jobs due to employers' unilateral termination of employment.⁶⁰ This kind of practice presents a dilemma and challenge for Indonesia. Therefore, the Job Creation Law is expected to bring positive changes for Indonesian workers. However, the provisions regarding Fixed-Term Employment Agreements in the

⁵⁷ I.G.A.K. Rachmi Handayani, Lego Karjoko, and Abdul Kadir Jaelani, 'Model Pelaksanaan Putusan Mahkamah Konstitusi Yang Eksekutabilitas Dalam Pengujian Peraturan Perundang-Undangan Di Indonesia', *Bestuur*, 7.1 (2019), 36–46 <https://jurnal.uns.ac.id/bestuur/article/view/42700>

⁵⁸ Erik Figueiredo and Luiz Renato Lima, 'Unintended Consequences of Trade Integration on Child Labor', *Journal of Economic Behavior & Organization*, 194 (2022), 523–41 <https://doi.org/https://doi.org/10.1016/j.jebo.2021.12.024>

⁵⁹ Anak Agung Gede Duwira Hadi Santosa, Kadek Agus Sudiarawan and I Made Marta Wijaya, 'The Employment Cluster of Omnibus Law: Embodiment the Concept of *Nachtwakerstaat* or *Welfarestate*?', *Fiat Justisia: Jurnal Ilmu Hukum*, 15.2 (2021), 92–118 <https://doi.org/https://doi.org/10.25041/fiatjustisia.v15no2.2219>

⁶⁰ Hannah Ruschemeier, 'AI as a Challenge for Legal Regulation – the Scope of Application of the Artificial Intelligence Act Proposal', *ERA Forum*, 23.3 (2023), 361–76 <https://doi.org/10.1007/s12027-022-00725-6>

Job Creation Law have drawn controversy because they favor employers and do not sufficiently protect workers' rights. The legal basis concerns legal issues related to the substance or material regulated, so it is necessary to form new laws and regulations. The legal basis also concerns legal issues according to higher legal provisions related to the authority in its formation (formal aspect) and legal issues that need to be regulated (material aspect).⁶¹

Regarding the types of work eligible for the PKWT system, Indonesian regulations restrict its use to temporary, non-permanent, or developmental-phase work. According to Article 81, Number 15 of the Job Creation Law, PKWT may only be applied to work that is completed once or temporarily, has a limited duration, is seasonal, or relates to new products or activities in the development phase. This demonstrates that temporary work contracts in Indonesia cannot be applied arbitrarily but must align with the specific job characteristics outlined in the law. Thus, the principle of *Fiat justitia, ruat caelum* is upheld, ensuring that contract workers continue to receive justice in their employment relationships.⁶² An important aspect of legal protection for PKWT workers in Indonesia is the limitation on the duration of employment contracts. Before the Omnibus Law, PKWT contracts had a maximum period of three years—two years for the initial contract with a possible one-year extension. However, following the regulatory changes introduced by the Job Creation Law, the duration of PKWT contracts has become more flexible. According to Government Regulation (PP) No. 35 of 2021, PKWT contracts can now last up to five years, allowing companies greater flexibility in hiring temporary workers while remaining within legal boundaries. In this context, the principle of *lex dura, sed tamen scripta* (the law is harsh, but it is written) applies, as the regulation grants employers more flexibility while still enforcing legal limits to protect workers.⁶³

In addition to duration limits, workers with PKWT status in Indonesia also have fundamental rights that employers must fulfill. These rights include wages according to the agreement, social security for workers from BPJS Ketenagakerjaan, compensation when the contract ends, and the right to leave and rest under employment regulations. Specifically, Article 61A of the Job Creation Law states that PKWT workers who have completed their contract period are entitled to compensation calculated based on the length of service, namely one month's wages per year of work or calculated proportionally if less than one year.

⁶¹ Robith Ainul Yaqin, Dipo Wahjoeono and Reinaldo Francisco Luis, 'Distributive Justice Analysis in the Context of Workers' Leave Time Regulation: A Legal Perspective', *Mimbar Keadilan*, 17.2 (2024), 115–26 <https://doi.org/10.30996/mk.v17i2.10997>

⁶² Aditia Syaprillah and Fuad Shehab Shyyab, 'Legislative Framework for Decentralized Administration in Addressing River Pollution', *Journal of Sustainable Development and Regulatory Issues*, 3.1 (2025), 55–77 <https://doi.org/https://doi.org/10.53955/jsderi.v3i1.39>

⁶³ Muhammad Yofian Roesjdiansyah, Raka Widya Nugraha, and Yolva Febreight Arthania, 'Policy of Taxation of Premium Value Addition Tax (Ppnbm) on Motorwages for the Purpose of Tax Collection in Indonesia', *Jurnal Justice Dialectical*, 2.1 (2024), 56–69 <https://doi.org/https://doi.org/10.70720/jjd.v2i2.45>

However, PKWT workers are not entitled to severance pay like permanent workers, so their status remains more vulnerable than workers with an Indefinite Term Employment Agreement (PKWTT). In this case, *Summum ius, summa iniuria* needs to be considered because although the law provides protection, the imbalance of rights between contract and permanent workers is still a problem that needs to be addressed.

Although the regulations have been quite well regulated, legal protection for PKWT workers in Indonesia still faces several significant challenges. One of the main challenges is the misuse of PKWT by companies that continue to extend work contracts without clear limitations so that workers remain in contract status without ever getting certainty as permanent workers. In addition, the lack of strict supervision by the government has caused many companies to avoid their obligations to contract workers, such as not paying compensation when the contract ends or not registering them in social security programs. It is reminiscent of *Dura lex, sed lex*, where legal rules are available but are not always appropriately enforced.⁶⁴

It can be caused by several weak factors that cause injustice in state policies protecting workers with Fixed-Term Employment Agreement status, including the legal substance factor. Optimal law enforcement can be implemented when supported by legal substance. Legal protection for Fixed-Term Employment Agreement workers must be carried out, considering that law enforcement has not been optimally implemented in society. The substance of the law will affect how legal protection is provided to Fixed-Term Employment Agreement workers as a form of law enforcement. In terms of legal substance, the regulation regarding Fixed-Term Employment Agreements still has significant gaps because the regulation is too flexible regarding contract extensions, the ambiguity of the definition of "temporary work," which confuses its interpretation and application, and the absence of a guarantee of transition to permanent status which creates legal uncertainty for workers.⁶⁵

The legal substance of the Job Creation Law is more dominantly beneficial for employers, so increasingly, employers are interested in using workers/laborers with a Fixed-Term Employment Agreement system because employers consider it more efficient to use workers with a Fixed-Term Employment Agreement system. This situation then causes unrest among workers with Fixed-Term Employment Agreement status, where it is known that two-thirds of their number, namely workers with Fixed-Term Employment Agreement status, are not given certainty to continue working, where they can easily be dismissed for various reasons. The

⁶⁴ Laura Eberlein, Dimitris Pavlopoulos and Mauricio Garnier-Villarreal, 'Starting Flexible, Always Flexible? The Relation of Early Temporary Employment and Young Workers Employment Trajectories in the Netherlands', *Research in Social Stratification and Mobility*, 89.May 2023 (2024), 100861 <https://doi.org/10.1016/j.rssm.2023.100861>

⁶⁵ Guoping Sun, Aurora Radice Giulia and Han and Wang, 'On the Legitimacy of the Striver's Agreement in China', *Labor History*, 1–20 <https://doi.org/10.1080/0023656X.2025.2465467>

existence of this situation clearly does not provide protection for workers who work with Fixed-Term Employment Agreement status, while as is known, one of the goals of employment development is to provide protection to workers in realizing welfare as regulated in employment regulations. This situation arises because the regulations regarding implementing Fixed-Term Employment Agreements are unclear, so many parties, especially employers, take advantage of it.

Second is the legal structure factor. Without credible, competent, and independent law enforcement officers, the law cannot be implemented or upheld. The weak mentality of law enforcement officers' results in law enforcement not running as it should. The legal structure aspect shows weaknesses in the limited capacity of labor supervision, weak sanction enforcement mechanisms, and difficulties in accessing justice for Fixed-Term Employment Agreement workers who often do not have a strong bargaining position in dealing with contract violations. Labor supervision has an important role in ensuring that the implementation of rights and obligations in Fixed-Term Employment Agreements runs by existing labor regulations.⁶⁶ In addition to being an effort to protect workers, labor inspectors have social goals, such as improving workers' welfare and social security, encouraging business performance, and improving society's general welfare. Based on data from the Ministry of Manpower (2023), there were 12,500 complaints related to violations of Fixed-Term Employment Agreements in the formal and informal sectors in the last two years. Of this number, around 45% of cases were successfully resolved through mediation. However, the limited number of labor inspectors is a significant challenge, with the ratio of inspectors to workers only 1:34,000.

Regular supervision in formal companies results in a higher effectiveness level than in informal businesses. Data shows that 78% of formal businesses that receive regular supervision have high compliance with the provisions of Fixed-Term Employment Agreements, including the provision of standard wages. Meanwhile, in the informal sector, only 30% of business actors comply with regulations due to minimal direct supervision. This condition indicates the need for a more appropriate policy strategy to bridge the supervision gap.⁶⁷ Quantitatively, statistics show the direct contribution of labor supervision to reducing violations of the provisions of Fixed-Term Employment Agreements. As happened in West Java Province, non-compliance decreased by 22% after the implementation of labor supervision for a year. It validates that consistent supervision can increase compliance from both parties, both workers and employers. However, not all

⁶⁶ Mykola Inshyn, Tetiana Vakhoniev, and others, 'Forms of Supervision and Control Over Compliance with Labor Legislation and Labor Standards in Ukraine', *Global Jurist*, 21.1 (2021), 247–72 <https://doi.org/10.1515/gj-2020-0017>

⁶⁷ Juliane Reinecke and Jimmy Donaghey, 'Towards Worker-Driven Supply Chain Governance: Developing Decent Work Through Democratic Worker Participation', *Journal of Supply Chain Management*, 57.2 (2021), 14–28 <https://doi.org/10.1111/jscm.12250>

supervision programs run optimally.⁶⁸ Several employers complained that complicated supervision mechanisms often hampered their business activities. Workers also felt dissatisfied with the slow follow-up to complaints submitted. The labor supervision system needs to be improved through training programs for supervisors, technology integration, and collaborative approaches with workers' and employers' organizations.⁶⁹ With these steps, the supervisory function can be carried out more efficiently and provide a constructive impact on the implementation of Fixed-Term Employment Agreement regulations.⁷⁰

Third, the legal culture factor. The legal culture factor also worsens the situation through a paradigm that prioritizes economic growth over worker protection,⁷¹ the normalization of the practice of "repeat contracts" that violate the essence of Fixed-Term Employment Agreements, and low legal awareness from both workers and employers which results in violations of labor norms being considered commonplace. This condition is exacerbated by the imbalance in bargaining positions in industrial relations and the lack of solidarity of trade unions in fighting for the rights of Fixed-Term Employment Agreement workers. Thus, even though the regulations have been updated several times, a cycle of exploitation is difficult to break.⁷²

The government has a responsibility to strive for comprehensive protection, balance, and justice for all Indonesian citizens, as stated in the fourth paragraph of the opening of the 1945 Constitution of the Republic of Indonesia. Furthermore, it is represented in Article 3 of the 1945 Constitution of the Republic of Indonesia, which emphasizes that the Indonesian nation prioritizes the principle of a state based on law. The Job Creation Law regulates legal provisions related to interactions between workers and employers. Its normative construction emphasizes positional equality between employers and workers, although empirically, there are significant gaps in economic capacity and technological competence. The number of job seekers consistently exceeds the availability of

⁶⁸ Cynthia D. Mohr and others, 'Can Supervisor Support Improve Daily Employee Well-being? Evidence of Supervisor Training Effectiveness in a Study of Veteran Employee Emotions', *Journal of Occupational and Organizational Psychology*, 94.2 (2021), 400–426 <https://doi.org/10.1111/joop.12342>

⁶⁹ Mehmet Peker, Onur C. Doğru and Gülgün Meşe, 'Role of Supervisor Behavioral Integrity for Safety in the Relationship Between Top-Management Safety Climate, Safety Motivation, and Safety Performance', *Safety and Health at Work*, 13.2 (2022), 192–200 <https://doi.org/10.1016/j.shaw.2022.03.006>

⁷⁰ Weny A DUNGGGA and others, 'Discourse on Regulation and Implementation of Labor Supervision in Indonesia', *International Journal of Environmental, Sustainability, and Social Science*, 4.3 (2023), 744–55 <https://doi.org/10.38142/ijess.v4i3.551>

⁷¹ Ibrahim Yitmen, Amjad Almusaed and Sepehr Alizadehsalehi, 'Investigating the Causal Relationships among Enablers of the Construction 5.0 Paradigm: Integration of Operator 5.0 and Society 5.0 with Human-Centricity, Sustainability, and Resilience', *Sustainability*, 15.11 (2023), 9105 <https://doi.org/10.3390/su15119105>

⁷² Lisa Dorigatti and Roberto Pedersini, 'Industrial Relations and Inequality: The Many Conditions of a Crucial Relationship', *Transfer*, 27.1 (2021), 11–27 <<https://doi.org/10.1177/10242589211007400>>.

jobs.⁷³ Consequently, the implementation of Law Number 13 of 2003 concerning Manpower and Law No. 6/2023 is a critical instrument in protecting and guaranteeing the normative rights of workers to realize a just legal order.⁷⁴

Ideal Employment Regulations for Fair Protection of Fixed-Term Workers

Employment development is essential for strengthening the role and position of the workforce, improving job quality, and increasing participation in economic growth. It also plays a crucial role in enhancing worker protection and safeguarding the dignity and well-being of workers and their families. Therefore, ensuring legal protection for workers is vital to guaranteeing their fundamental rights, promoting equal opportunities, and preventing discrimination. At the same time, these protections must balance the welfare of workers with the evolving needs of the business sector.⁷⁵

Legal protection consists of two key aspects: the rule of law and human rights. The implementation of the rule of law requires legal rules that ensure certainty, utility, and justice. Justice, in this context, reflects substantive equity in relation to the characteristics, actions, or interactions of an entity. More broadly, justice embodies the principle that everyone deserves equal, objective, and non-discriminatory treatment. Certainty is an epistemological construct encompassing specific conditions, situations, or terminology.⁷⁶ Legal norms formulated based on imperative needs must embody principles of equity and certainty. These norms serve as instruments for regulating behavior and ensuring justice, as the normative framework must accommodate substantive rationality. Consequently, when a legal system is built upon coherent principles of justice and enforced systematically, its juridical mechanisms can function optimally.⁷⁷

The ideal concept of fair legal protection regulation for workers with fixed-term employment contracts must be based on social justice, legal certainty, and worker welfare while developing the business world.⁷⁸ Protection for fixed-term contract

⁷³ Andreas I. Mueller, Johannes Spinnewijn and Giorgio Topa, 'Job Seekers' Perceptions and Employment Prospects: Heterogeneity, Duration Dependence, and Bias', *American Economic Review*, 111.1 (2021), 324–63 <https://doi.org/10.1257/aer.20190808>

⁷⁴ Nobella Indradjaja and Suwarno Abadi, 'Minimum Wage Determination For Employees/Workers: A Principle of Legal Protection on Manpower', *Journal of Law, Politic and Humanities*, 5.3 (2025), 2026–34 <https://doi.org/10.38035/jlph.v5i3.1034>

⁷⁵ Mamasiddikov Muzaffarkhon Musakhonovich and others, 'The Protection of Labor Rights on the Court System', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 742–64 <https://doi.org/10.53955/jhcls.v4i1.115>

⁷⁶ Richard Stopford, 'Threshold Concepts and Certainty: A Critical Analysis of "Troublesomeness"', *Higher Education*, 82.1 (2021), 163–79 <https://doi.org/10.1007/s10734-020-00628-w>

⁷⁷ Moh. Rif'an and others, 'Law as General Rule or Law as Conglomeration of Legal Decision', *Jurnal Hukum Lex Generalis*, 1.7 (2020), 47–64 <https://doi.org/10.56370/jhlg.v1i7.231>

⁷⁸ Ioannis Katsaroumpas, 'A Right Against Extreme Wage Inequality: A Social Justice Modernisation of International Labour Law?', *King's Law Journal*, 32.2 (2021), 260–86 <https://doi.org/10.1080/09615768.2021.1945770>

workers becomes crucial considering their more vulnerable position than permanent workers, especially regarding job contract uncertainty, potential exploitation, and limited access to labor rights.⁷⁹ In practice, many companies exploit the flexibility of fixed-term employment contracts to avoid the obligations attached to the status of permanent workers, resulting in contract workers experiencing uncertainty in their employment relationships.⁸⁰ Therefore, stricter and more comprehensive regulations must be implemented to ensure that workers with fixed-term employment contracts receive equal rights and not become victims of injustice in the labor system.

The Constitutional Court's (MK) Decision Number 61/PUU-XXI/2023 marks a significant step in strengthening protections for fixed-term contract workers. In this ruling, the court emphasized that the duration of fixed-term employment contracts should not exceed five years—previously regulated only by government regulations. By incorporating this provision into the law, fixed-term contract workers now have greater legal certainty, no longer relying on regulations that can change at any time. This is crucial given the widespread issue of workers being repeatedly contracted without clear status, leaving them in unstable working conditions. Additionally, the Constitutional Court underscored the importance of contract certainty and job security for fixed-term workers. Previously, contracts could be extended for various reasons, often without clear limitations—benefiting employers while disadvantaging worker.⁸¹ his ruling enforces stricter limits to prevent the practice of repeatedly extending contracts as a way to avoid granting permanent employment. Additionally, the Constitutional Court addressed the importance of compensation and benefits. Fixed-term contract workers who meet certain conditions are now entitled to compensation upon contract expiration, ensuring they are not left without financial security after their employment ends.⁸²

However, even though the Constitutional Court's ruling has provided a more substantial legal basis for fixed-term contract workers, many aspects still need to be improved in labor regulations to make legal protection for contract workers

⁷⁹ Kim Bosmans, Deborah De Moortel and Christophe Vanroelen, 'Enforceability of Rights in the Temporary Agency Sector: The Case of Belgium', *Economic and Industrial Democracy*, 43.4 (2021), 1519–38 <https://doi.org/10.1177/0143831X211017227>

⁸⁰ Kanupriya Jain, Piyali Ghosh and Shankha Shuvra Misra, 'The Future of Fixed-Term Employment in India', *Vikalpa*, 48.2 (2023), 87–99 <https://doi.org/10.1177/02560909231178162>

⁸¹ Bea Cantillon, Martin Seeleib-Kaiser and Romke van der Vee, 'The COVID-19 Crisis and Policy Responses by Continental European Welfare States', *Social Policy & Administration*, 55.2 (2021), 326–38 <https://doi.org/10.1111/spol.12715>

⁸² Wayne Palmer and Nicola and Piper, 'Regulatory (Mal)Integration: Its Implications for Migrant Workers' Ability to Access Employment Rights in Indonesia', *Journal of Immigrant & Refugee Studies*, 21.2 (2023), 203–16 <https://doi.org/10.1080/15562948.2022.2142349>

more ideal.⁸³ One of the main aspects that must be strengthened is the guarantee of job status certainty and career advancement.⁸⁴ The government needs to regulate mechanisms that allow workers employed for a certain period or in permanent types of jobs to be appointed as permanent employees.⁸⁵ This aims to prevent the abuse of long-term contract systems by companies, which often use fixed-term employment agreements to evade labor obligations towards workers.⁸⁶ With the mechanism of converting the status from fixed-term employment agreements to permanent employees, workers will have certainty in their careers and receive rights equal to those of permanent employees.

Second, protection against unilateral termination of employment must be strengthened in labor regulations to ensure fairness for workers under Fixed-Term Employment Agreements.⁸⁷ Many workers face uncertainty in their employment relationships because contracts can be terminated at any time without clear reasons or adequate compensation. This causes financial instability and increases the risk of sudden unemployment for workers.⁸⁸ Labor regulations must establish stricter layoff procedures, including setting clear conditions and mechanisms before companies can carry out layoffs. One aspect that needs to be strengthened is employers' need to provide advance notice before terminating employment. With this notification, workers can better prepare to look for new jobs or adjust their financial conditions.⁸⁹

In addition, legal protection for workers with fixed-term contracts also needs to be clarified so that they have rights equivalent to permanent workers in terms of protection against unilateral termination.⁹⁰ Contract workers experience injustice in many cases because they do not receive severance pay or benefits after their

⁸³ Antonio Aloisi and Valerio De Stefano, 'Essential Jobs, Remote Work and Digital Surveillance: Addressing the COVID-19 Pandemic Panopticon', *International Labour Review*, 161.2 (2021), 289–314 <https://doi.org/https://doi.org/10.1111/ilr.12219>

⁸⁴ Yu Hao, Yunxia Guo and Haitao Wu, 'The Role of Information and Communication Technology on Green Total Factor Energy Efficiency: Does Environmental Regulation Work?', *Business Strategy and the Environment*, 31.1 (2021), 403–24 <https://doi.org/https://doi.org/10.1002/bse.2901>

⁸⁵ Leah F Vosko, 'Temporary Labour Migration by Any Other Name: Differential Inclusion under Canada's "new" International Mobility Regime"', *Journal of Ethnic and Migration Studies*, 48.1 (2022), 129–52 <https://doi.org/10.1080/1369183X.2020.1834839>

⁸⁶ Mykola Inshyn, Natalia Khutoryan, and others, 'Correlation of Labor and Civil Contracts Related to the Performance of Work: Preventing the Substitution of Concepts', *Employee Responsibilities and Rights Journal*, 33.4 (2021), 265–79 <https://doi.org/10.1007/s10672-021-09373-3>

⁸⁷ Werner Eichhorst and Paul Marx, 'How Stable Is Labour Market Dualism? Reforms of Employment Protection in Nine European Countries', *European Journal of Industrial Relations*, 27.1 (2020), 93–110 <https://doi.org/https://doi.org/10.1177/0959680119899199>

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⁸⁹ Ermanno C. Torti, 'Employment Protection Regimes and Dismissal of Members in Worker Cooperatives', *Scandinavian Journal of Management*, 38.3 (2022) <https://doi.org/https://doi.org/10.1016/j.scaman.2022.101213>

⁹⁰ Giuseppe Grasso and Konstantinos Tatsiramos, 'The Impact of Restricting Fixed-Term Contracts on Labor and Skill Demand', *SSRN Electronic Journal*, 2023 <https://doi.org/10.2139/ssrn.4608815>

contracts are terminated. Regulations must ensure that contract workers also receive fair rights, primarily if they have worked for a considerable time in a company.⁹¹ With more explicit regulations regarding layoffs, workers with fixed-term employment contracts can feel safer and more protected from the risk of sudden job loss without adequate compensation.⁹² These measures will also create a more fair and balanced working relationship between employees and employers and encourage stability in the labor market.

In addition to legal and economic aspects, protection for fixed-term contract workers must include social and psychological aspects.⁹³ Workers with contract status often experience discrimination in the workplace, both in the form of wage differences, access to company facilities, and opportunities for promotion. This discriminatory practice must be eradicated through regulations requiring companies to treat all workers equally, regardless of their contract status. Equality in the workplace is crucial for creating a more harmonious and productive work atmosphere. In addition, mechanisms for resolving labor disputes must be strengthened so that workers with fixed-term employment contracts have easier and quicker access to legal avenues if their rights are violated. Many contract workers are reluctant to report violations because they fear losing their jobs or because of the lengthy and convoluted legal process. Therefore, labor mediation and arbitration institutions must be strengthened to provide fair and efficient solutions for workers.⁹⁴

Ultimately, the ideal concept of legal protection for fixed-term contract workers must balance the interests of workers and the business world. Existing regulations should not favor one party over the other but must protect workers' rights without hindering business flexibility.⁹⁵ The ideal protection model can provide legal certainty for workers, decent welfare, and opportunities for career development while still allowing companies to remain competitive and adapt to economic changes. By adopting fairer and more comprehensive regulations, the labor market in Indonesia can move towards a more just system where every worker, regardless of their contract status, receives fair and equal treatment.

⁹¹ Grasso and Tatsiramos.

⁹² Jana Rick and Thomas and Hanitzsch, 'Journalists' Perceptions of Precarity: Toward a Theoretical Model', *Journalism Studies*, 25.2 (2024), 199–217 <https://doi.org/10.1080/1461670X.2023.2293827>

⁹³ Harald Hannerz and others, 'Mental Illness Rates among Employees with Fixed-Term versus Permanent Employment Contracts: A Danish Cohort Study', *International Archives of Occupational and Environmental Health*, 96.3 (2023), 451–62 <https://doi.org/10.1007/s00420-022-01936-7>

⁹⁴ Ngozi Samuel Uzougbo and others, 'Effective Strategies for Resolving Labour Disputes in the Corporate Sector: Lessons from Nigeria and the United States', *World Journal of Advanced Research and Reviews*, 3.2 (2023), 418–24 <https://doi.org/10.30574/wjarr.2023.20.3.2451>

⁹⁵ Ingrida Mačernytė-Panomariovienė and others, 'Some Aspects of Improving the Legal Regulation of Labour Relations: Thirty Years of Experience in the Baltic States', *International Social Science Journal*, 72.246 (2022), 1237–53 <https://doi.org/https://doi.org/10.1111/issj.12385>

4. Conclusion

The results and discussion conclude the following: First, there are significant differences in legal protection for workers with fixed-term employment agreements in Germany, Indonesia, and Somalia, based on legal structure, legal substance, and legal culture. Germany enforces strict and effective regulations that limit contract duration and ensure equal rights for fixed-term and permanent workers. Indonesia has more flexible regulations with a maximum contract duration of five years, but weak supervision and widespread contract abuse remain challenges. Meanwhile, Somalia provides minimal legal protection for fixed-term workers due to a lack of regulation, weak enforcement, and the dominance of the informal sector. Second, the legal protection framework for fixed-term workers remains unjust due to several factors, including gaps in legal substance, limited labor supervision capacity, and low legal awareness among both workers and employers. As a result, labor norm violations are often normalized. Third, achieving ideal labor regulations for fixed-term workers requires strengthening job security and career progression, protecting against unilateral termination and workplace discrimination, and improving labor dispute resolution mechanisms. Therefore, an ideal legal protection model should balance the interests of workers and businesses. Existing regulations must ensure workers' rights are safeguarded without compromising business flexibility.

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