

Policy Employment in Kudus

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Abstract

The Job Creation law (Undang-Undang Cipta Kerja) which was legally promulgated in November 2020 had a major impact on the employment sector. If sorted, the employment cluster is regulated in more detail in Government Regulation (Peraturan Pemerintah/PP) Number 34 of 2021, PP Number 35 of 2021, PP Number 36 of 2021, and PP Number 37 of 2021. The promulgation of these four regulations certainly has legal consequences for regional governments to synchronize and harmonize law. This study aims to find out employment policies in Kudus Regency, as well as to find out the synchronization and harmonization of the law on the Job Creation Law. This type of research is field research, and is carried out using a statutory approach, then analyzed qualitatively to obtain results. The results of the study show that the Kudus Regency's Manpower Office (Dinas Tenaga Kerja) has implemented the Job Creation Law, and has conducted regular outreach to companies in Kudus Regency by online (due to the Covid-19 pandemic). In practice, the Sukun Group as a company has not been able to fully implement the Job Creation Law and is still making limited adjustments to several Government Regulations by negotiating them with the Labor Union. In synchronizing and harmonizing law, creative work laws are not fully aligned with the elements of justice because several articles in government regulations as their derivatives do not bring about equitable justice, and are only beneficial to some parties.

Keywords: *policy, employment, legal synchronization*

Abstrak

The job copyright law which was legally enacted in November 2020 has had a major impact on the employment sector. If ordered, employment clusters are regulated in more detail in PP Number 34 of 2021, PP Number 35 of 2021, PP No 36 Year 2021, as well as PP No 37 Year 2021. Invitation fourth This PP certainly has legal consequences for regional governments to synchronize and harmonize laws. This research aims to find out employment policies in regency holy, as well as For know synchronization And legal harmonization of the Job Creation Law. This research is of the field research type, and was carried out using a statutory approach, then analyzed qualitatively for get results. Research result shows that the Kudus Regency Manpower Service has implemented the Job Creation Law, and has carried out regular online outreach to companies in Kudus Regency (due to the Covid-19 pandemic). In practice, Sukun Group as a company has not been able to fully implement the Copyright Law Working and still making limited adjustments to several Government Regulations by negotiating them with the Labor Union. In synchronization and harmonization of laws, laws invite cipt Work No aligned fully with element justice Because Some articles in government regulations as derivatives do not bring equal justice, and are only beneficial for some parties.

Say key : *policy, employment, synchronization law*

INTRODUCTION

Employment is a fundamental aspect of human life because it includes social and economic dimensions. One of the important goals in economic development is the provision of sufficient employment opportunities growth force Work Which more fast from on chance Work. The imbalance between the provision of jobs and the growth of the workforce will give rise to unemployment which will later become economic instability which will also impact instability in other areas of life.

The government, through its policies, has formulated a set of employment regulations through Law Number 13 of 2003 concerning Employment. The preamble to the law states that development national held in frame development man Indonesia as a whole and the development of Indonesian society as a whole to create a society that is prosperous, just, prosperous, equitable, both materially and spiritual based on Pancasila And Invite Invite Base Country Republic Indonesia Year 1945 (Constitution No 13 Year 2003). In point (b), the preamble also emphasizes that labor has a very important role and position as actors and development goals. Labor law places employment as an integral part of the aspect development national based on Pancasila And Constitution The 1945 Foundation of the Republic of Indonesia was implemented in the framework of the complete development of Indonesian people and the development of Indonesian society as a whole for increase dignity, dignity, And price self power Work and make it happen public prosperous, fair, prosperous, And equally, Good material and spiritual (Explanation General Act No 13 Year 2003).

The enactment of Law Number 13 of 2003 concerning Employment provides new hope for the world of employment which was previously felt to be burdensome. for para worker. Various regulations previous part which is a colonial product, places workers in a disadvantageous position in labor placement services and an industrial relations system that emphasizes differences in position and interests so that it is seen as inappropriate again with need period now and demands that time will come. With birth Invite Invite number 13 Year 2003, it is hoped that basic rights and protection for workers can be fulfilled Work And workers/laborers as well as on moment Which simultaneously can realize conditions conducive to the development of the business world. Apart from that, the law is a comprehensive regulation because it covers development resource man, enhancement productivity And Power competitiveness of Indonesian workers, efforts to expand employment opportunities, staff placement services Work, And coaching connection industrial. So that Law _

Employment has discuss Lots matter Good about rights employee up to the system Remuneration (Rudi Hartono & Holy Ramadhani, 2020).

During its journey, Law Number 13 of 2003 concerning Employment was felt to be no longer relevant to current developments and accommodated all interest worker And businessman. In statements 2019, Hanif Dhakiri as Minister Power Work period time That mention relationships economy world now want market power Work Which more flexible. Furthermore explained that the current employment regulations This like "kanebo dry" Which No only burdensome world business, but Also not good for the labor climate in Indonesia.

Through various considerations, the government ultimately promulgate Law Number 11 of 2020 concerning Job Creation. This law was promulgated on November 20 2020. At the beginning of its journey, the public opposed this law because it was considered not in accordance with labor principles and was more profitable for entrepreneurs. However, in the plenary meeting on 5 October 2020, the DPR RI passed the Job Creation Bill.

In the consideration of point (b) of the Job Creation Law, it is stated that with create Work expected capable absorb power Work Indonesia Which as widely as possible in the midst of increasingly competitive competition and the demands of economic globalization (Law Number 11 of 2020). However, Job Creation also stated that the new regulations stipulated in this law aim to strengthen protection for workers and increase the role of workers in supporting the investment ecosystem. This actually strengthens the developmentalism paradigm which is quite central in this Law, which implies that investment and economic development are the most important things main role in the development of a country (Policy Paper: Critical Notes and Recommendations on the Job Creation Bill).

Invite Invite Create Work consists from 1187 page, 15 chapter, And 186 articles. The Job Creation Law is compiled from 76 laws which cover several clusters such as simplification of business licensing, investment requirements, employment, protection and empowerment of MSMEs, ease of doing business (including the taxation cluster), research and innovation support, government administration support, imposition of sanctions, land acquisition , central government investment and national strategic projects, area economy special.

From the employment cluster, the government has issued four Government Regulations (PP) related to the employment cluster. The four PPs are PP Numbers 34, 35, 36 and 37 of 2021. In their implementation, the four PPs were rejected by the KSPI (Confederacy Union Worker Indonesia). According to KSPI, existence fourth PP

This actually threatens Indonesian workers because of the presence of foreign workers whose permits are made easier. Apart from that, the PP also indicates that it supports the practice of *outsourcing* (outsourcing) for workers which has been opposed by worker groups. Other matters that are still being disputed are regarding PKWT, PKWTT, layoffs, and the issue of UMK and UMR which until now are considered not pro-worker and only benefit employers.

So far, articles related to employment policy have been limited to two aspects, namely on level implementation And problematic. Which First, on Implementation Policy Employment About Exchange Work in Service Power Work in Sukabumi Which Already walk with Good If seen from side disposition and structure bureaucracy. However from side communication And source Power man has been implemented but is not yet optimal (Syariyah et al., 2020), and Implementation of the Policy to Reduce Urban Unemployment at the Lubuklinggau City Employment Service Which Not yet accomplished Because increase number unemployment which continues to increase every year. Inaccurate data base, not in the return of the AK 1 card after being issued, the lack of job opportunities, and placement position Work No in accordance with the field (Biological, 2021). In another article, Employment Problems in Batam City According to Law Number 13 of 2003 concerning Employment consist of juridical factors, in the form of errors in the interpretation of laws, weaknesses in the registration system, non-regulation of sanctions to violation PKWT And weak system labor inspection (Handayani & Angrayni, 2018).

Presence Act Create Work along with four rule its derivatives through The PP certainly brings fundamental changes to labor regulations throughout Indonesia. Employers must adapt the law to the workers they employ, from contract issues to salaries. This basic issue must be applied immediately so that there is legal certainty for both parties (employers and workers). Based on this background, researchers plan to carry out study title "Policy Employment in Regency Holy".

METHOD STUDY

1. Election object study

Policy employment is object main in study This. This research was analyzed based on the employment aspects contained in the Job Creation Law along with derivative regulations contained in Government Regulations.

2. Approach Study And Election Data

This research uses a conceptual approach, and is supported by primary data, which consists of laws and regulations related to the employment sector. As well as, by data secondary, that is use results study or

previous research from scientific journals, scientific articles, and books which discuss topics similar to this research.

3. Process Study And Analysis Data

Study This is field research, and also literature so that the data that has been collected is analyzed interpretatively and hermeneutically. Clarity of interpretation will function as a reconstruction of ideas hidden behind legal rules. This interpretation teaching uses the hermeetic method (Peter Mahmud Marzuki, 2005), so that what is produced in this research will be able to contribute to legal development. The research results are presented descriptively to answer the issues and topics this research.

RESULTS AND DISCUSSION

Policy employment in Kudus Regency

In general, the Kudus Regency Regional Government has implemented it Law Number 11 of 2020 concerning Job Creation, especially Employment Clusters. This was conveyed by Agus Juanto, as Head of the HIPK Division of the Kudus Regency Manpower Service.

The Covid-19 pandemic also has an impact on conditions employment in all region (Witono, 2021). In Regency Holy, in line with What Which become *jobs desc* from Service Power Work, his party has carried out outreach to companies in Kudus Regency via *zoom meetings* (because of the Covid-19 pandemic) every month. This is done to socialize the new regulations regarding employment clusters in the Law Create Work. Business the even in response Good by company. Agus Juanto, in the explanation claim that party company precisely more understand the points contained in the Job Creation Law. Because companies are direct implementers of these rules.

Based on existing provisions, all Company Agreements (PP), Employment Agreements Together (PKB), And Agreement Work Time Certain (PKWT) must be registered with the Kudus Regency Manpower Office. This is done as monitoring by the Manpower Office to see whether the PP, PKB and PKWT are in line with regulations on. Matter This even done For avoid employment disputes Which often appear from PKWT.

According to records from the Manpower Office, there are 196 PPs, 96 PKBs and 5,000 PKWTs registered. This was obtained from 729 companies in Kudus Regency. However, this figure is still far from the actual number. This is due to limited access to register PP, PKB and PKWT online. The limitations in question are the limitations of entrepreneurs adapting with technology For register PKWT the. Register

Online PKWT is still considered complicated because it requires digitalizing signed documents.

In response to these obstacles, the Manpower Department still allows entrepreneurs to register the PKWT manually (physical file) with the Manpower Department within 7 days after the PKWT is signed. The file will then be analyzed to be calculated as a registered PKWT. Such PKWT registration is carried out as a control from government as well as as means For align between Legislation, Company Regulations, and Collective Labor Agreements.

Regarding the Company Agreement (PP) and Collective Labor Agreement (PKB), as for PP And CLA Which enter to Department of Manpower No so straight away Approved. According to Mr. Agus Juanto, the PP and PKB that have been registered with the Kudus Regency Manpower Office will first be examined by the Kudus Regency Manpower Office Mediator Team. The team will review the contents of the PP and PKB. If the contents of the PP and PKB are not in line with the Legislative Regulations Which more tall, so Party Department of Manpower will provide notes Which need repaired by party Company. There is correct This is a form of control to avoid employment conflicts or disputes in the future.

Based on the experience gained by Agus Juanto and the team, the important points that are prone to correction are the termination of employment (PHK) points. This makes sense because layoffs are an important aspect for the sustainability of the fate of workers in the company. Layoffs are also a frequent cause of employment disputes. Agus Juanto added that the reason or reason why the company laid off employees was the most crucial point. Because, apart from being based on statutory regulations, these points must also be discussed with the Labor Union to then be mutually agreed upon in Company Regulations and Employment Agreements. Together. If there are things that Even if it is unclear, such as multiple interpretations or vague, the Manpower Office will also make corrections. In this case, the Kudus Regency Manpower Office has implemented it principle balance so that can balancing right And obligations of both parties (employees and employers). Apart from the precautionary principle, the Manpower Office in this case also uses the precautionary principle. This is important because the Manpower Office needs to pay close attention to the contents of the PP and PKB so that the meaning or interpretation that emerges does not conflict with higher regulations.

In this case, the Manpower Office has made efforts to synchronize the law between PKWT, PP and PKB with more detailed laws and regulations. high, namely Law Invite Job creation along with derivative regulations. Legal Synchronization is an effort to seek clarity or linkage of a rule with higher law in terms of tracing what constitutes its legal umbrella. The aim of this synchronization activity is to seek harmony between people regulation Which discuss things with each other related to order No each other overlap and actually complement each other (supplementary).

The PP takes effect from the time it is ratified by the Manpower Office, while the PKB comes into effect from the time it is signed by both parties. The validity period for both PP and PKB is two years.

Regarding PKWT, according to Agus Juanto's experience, many workers are dissatisfied with the contents of PKWT and career paths. This is related to PKWT, namely the Agreement Work Time Certain Which where para worker will Work in only a certain time. In this case, the workers are worried about continuing their career at the company. There is a fear on the part of the workers that if the contract (certain time) expires, they will not continue. In this case, the entrepreneur follows the rules of the statutory regulations to carry out PKWT first.

In statutory regulations, both Law Number 13 of 2003 and Law 11 of 2020 also recognize the existence of PKWT. Although legally there are differences in implementation. In Law 13 of 2003, PKWT is limited to a maximum of 3 years. Meanwhile, in Law 11 of 2020, the longest PKWT is 5 years. According to the Minister of Manpower, Ida Fauziyah, the difference in the PKWT period is to ensure legal certainty for workers. According to the Ministry of Manpower, the 3 year PKWT period in practice is often varied by employers. Thus making The PKWT period in Law 11 of 2020 is limited to a maximum of 5 years to reduce various legal irregularities in the field regarding PKWT.

Regarding outsourcing, in this case, the Kudus Regency Manpower Office has an opinion that arrangement switch Power of course changed in a way significant in terms of the scope of work that can be outsourced after the enactment of Law Number 11 of 2020. According to Agus Juanto, the absence of division of outsourcing and contracting in Law Number 11 of 2020 has resulted in unlimited types of work Which can be outsourced. Practice that according to him It will be detrimental to the workers because they are not direct employees of the entrepreneur, but rather employees of an outsourcing company. Apart from that, this practice will have an impact on the increasingly unclear fate of workers because whether they will be on a continuous contract or whether it will be completed during the contract period between the entrepreneur and the company. switch Power finished. Agus Juanto example if practice switch Power the good one is at the State Electricity Company (PLN). PLN carries out outsourcing work for office boy and cleaning service employees with outsourcing companies for a 5 year contract period. If the 5 year contract period expires, PLN will continue the outsourcing with another outsourcing company but will not replace the office boy and cleaning service personnel. This could be an example of good outsourcing implementation because even though the outsourcing company changed, the outsourced personnel did not follow suit. Compare this with the current outsourcing practice where when the contract expires between the entrepreneur and company outsourcing, so personnel Which outsourced automatic finished and a new problem arose. These include the emergence of new unemployment, as well as a series of other problems that follow layoffs (PHK) from outsourcing companies to cleaning service employees or office boys.

Another matter relating to employment policy is regarding the Determination of the Regional Minimum Wage (UMR). If in previous regulations the determination of the UMR was based on Decent Living Criteria (KHL), now based on Law Number 11 of 2020 and PP Number 36 of 2021 the determination of the UMR is based on economic growth and inflation (Province). These regulatory changes certainly have a significant impact on the increase in the UMR, which tends to be lower when compared to determining the UMR based on KHL calculations. In Agus Juanto's opinion, determining the UMR based on inflation and economic growth is considered inappropriate. According to him, the UMR is more appropriate if it is based on KHL considering that the elements of KHL are obtained from real prices in the market. These prices include the prices of basic necessities such as rice, sugar and clothing. These prices are the results of a survey by Manpower Department officers and will then be used as a reference in preparing the UMR. When compared with economic growth and inflation, the prices from the KHL survey are indeed closer to reality, and each region certainly has a different price range.

Meanwhile, the calculation of overtime wages has not changed, and still uses the same formulation as in the previous statutory regulations.

The use of foreign workers as regulated in PP 34 of 2021, in Kudus Regency has not experienced any significant changes. In an interview with Agus Juanto, Kudus Regency does not have any foreign workers. If there is any TKA are not permanent workers and are only temporary. Generally, foreign workers are employed by manufacturing companies when there are new machines. The existence of these foreign workers is to train local workers (mechanical technicians) to operate machines and repair them. If the technician is skilled, then the technician is responsible for operating the new machine.

Agus Juanto's statement is related to the Regency Kudus, as an industrial city, is a natural thing. Remembering in Kudus Regency has several national scale companies as well as the cigarette industry. The existence of machines new Which imported from Overseas is a necessity for the progress of an industry. Often, technicians from abroad are also hired temporarily for a short period of time.

In fact, the implementation of the Job Creation Law cannot be fully applied by companies. Results of an interview with Bintarno, SH as Head of Legal HRD at Sukun Group which has its head office in Gondosari Village, Gebog, Regency Holy said if company Not yet apply in full the Job Creation Law. Currently, the company is still carrying out a limited adaptation process by involving labor unions as discussion partners to seek mutual agreement.

According to Bintarno, Sukun Group is currently just implementing new regulations regarding Termination of Employment Relations (PHK) which have been agreed upon by the Worker Union, And Directors Company. For rule rule other, Still in process

negotiations. This step was taken because Legal HRD was paying attention to caution in determine your attitude No detrimental to workers but also does not violate the rules contained in the Job Creation Law. Apart from that, another reason put forward is to avoid demonstrations or other actions that will harm the company. So the company takes relatively slow steps for the common good.

Payload Invite Invite And Synchronization And Harmonization Law Invite Job Creation Law

1. Payload Invite Invite Job Creation And Rule Derivatives

a. Regulation Government No 35 Year 2021

1) PKWT And PKWTT

The Job Creation Law regulates 3 types of PKWT. First, the PKWT is made based on a time period. This PKWT is for work that does not take too long to complete; seasonal; new products, new activities, or additional products that are still under trial or exploration. If the PKWT is about to end, but the work has not been completed, it can be extended provided that the entire PKWT cannot exceed 5 years. That way, the PKWT period is a maximum of 5 years including extensions. If the PKWT is extended, it is counted as the worker's working period.

Second, PKWT is based on the completion of a particular job. This PKWT is for work that is completed once or is temporary in nature. The clauses outlined in this PKWT include, among other things, the scope and limitations of a job being declared complete and the length of time for completing the job adjusted to its completion. something work. If work can resolved more fast from agreed time, then the PKWT is terminated by law when the work is completed. If the work has not been completed according to the time period agreed in the PKWT, an extension can be made until the work is completed.

Third, PKWT based on certain other jobs whose type and nature or activities are not fixed. This PKWT is for certain jobs that vary in terms of time and volume of work as well as payment of wages based on attendance or often called daily. Reytman remind there are provisions agreement Work daily Which must observed ie worker Work less than 21 days in 1 month. If this daily worker works 21 days or more for 3 consecutive months or more, then By law, the daily work agreement has changed to an indefinite work agreement (PKWTT).

After the PKWT ends or certain work is completed, the employer is obliged to provide compensation according to the worker's length of service. Compensation money is given to workers who have worked continuously for at least 1 month, and this compensation does not apply to foreign workers (TKA).

2) Switch Power

After the enactment of Law Number 11 of 2020 and PP Number 35 of 2021, Article 64 And Chapter 65 Act No 13 Year 2003 abolished And arrangement

The provision of worker/labor services in article 66 was changed to regulate work relations between outsourcing companies and the workers/laborers they employ, thus Law Number 11 of 2020 eliminate the division of outsourcing into types of contracting out work or types of providing worker/labor services. Law Number 11 of 2020 also abolished the articles in Law Number 13 of 2003 which regulate the requirements and restrictions on the types of supporting work and/or supporting service activities that can be partially handed over to other companies.

3) Termination Connection Work

The severance compensation arrangements in Law No.13 of 2003 concerning Employment have been amended through Law No.11 of 2020 concerning Job Creation. Provision the arranged more carry on in PP No. 35 Year 2021 concerning Specific Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination Connection Work (PP PKWT-PHK). According to analysis Labor experts, in general the Job Creation Law and PP No.35 of 2021 more give convenience for company do Layoffs rather than Employment Law .

There is Lots reason Which Can used businessman as pretext to do layoffs, Wrong the only one reason efficiency. Chapter 164 paragraph (1) Employment Law arrange businessman can do Layoffs Because The company closed because the company experienced continuous losses for 2 years or circumstances force (*force majeure*). Laborer entitled get severance pay 1 time provision Chapter 156 paragraph (2); Money award period Work 1 time provisions of Article 156 paragraph (3); and compensation money for rights in accordance with the provisions of Article 156 paragraph (4).

Then, Article 164 paragraph (3) of the Manpower Law regulates the reason for layoffs because the company closed, not because of losses for 2 consecutive years or not because of circumstances. force (*force majeure*) , But company do efficiency. Laborer entitled to severance pay equal to 2 times the provisions of Article 156 paragraph (2); period reward money Work 1 time provision Chapter 156 paragraph (3); And Money replacement right in accordance with Article 156 paragraph (4).

But the provisions for layoffs for reasons of efficiency have been changed in the law Job Creation and PP No.35 of 2021. Juanda said the layoffs were for efficiency reasons as arranged Chapter 43 PP No. 35 Year 2021 shared become 2 types. First, efficiency because the company experiences losses and workers are entitled to severance pay of 0.5 times the provisions of Article 40 paragraph (2); 1 x service pay as stipulated in Article 40 paragraph (3); and compensation money for rights in accordance with the provisions of Article 40 paragraph (4).

Second, efficiency For prevent happen loss. Worker who experienced Layoffs Because reason This get Money severance pay as big as 1 time provisions of Article 40 paragraph (2); 1 x service pay as stipulated in Article 40 paragraph (3); and compensation money for rights in accordance with the provisions of the article 40 verses (4).

b. Regulation Government No 36 Year 2021

There are many new norms regulated in PP No.36 of 2021. Wage policy enter program strategic national And government area (local government) Which must guided on policy government center.

Just like PP No.78 of 2015, wages are determined based on units of time and/or units of results. The difference is that now wages are based on units of time, right? Again daily; weekly; or monthly, But per O'clock; daily; or monthly . Hourly wages are only for workers who work part time. Calculation of hourly wages uses the formula for monthly wages divided by 126. The hourly wages agreed upon by employers and workers cannot be lower than the calculation based on this formula.

The minimum wage calculation formula previously regulated by PP No. 78 of 2015 has been removed and replaced with a new formula. Minimum wages are determined based on economic and employment conditions which include 3 variables, namely parity (balance, red) Power buy; level absorption power Work; And median wage. Minimum wage adjustments are made every year . The minimum wage adjustment is set at a certain value range between the upper and lower limits of the minimum wage in the area concerned.

For Regency/City UM (UMK), the Governor can determine if it meets 2 condition. First, average growth economy district/city in question for the last 3 years was higher than the average provincial economic growth. Second, the value of economic growth minus inflation for the relevant district/city for the last 3 years has always been positive, and higher than the provincial value.

Determination of the UMK for regions that do not yet have a UMK is carried out using 4 formulas which are calculated in stages. The calculation starts from calculating the relative value of the MSE to the UMP based on the power parity ratio buy (*purchasing power parity*) using the district/city purchasing power parity formula multiplied by UMP divided by provincial purchasing power parity. UMK adjustment For regions that already have a UMK, the calculation follows the adjustments minimum wage as regulated in Article 26 PP No.36 of 2021. In the event that the UMK for the current year is higher than the upper limit of the UMK, the regent/mayor must recommend to the Governor that the UMK value for the following year be the same as the UMK for the current year.

c. Regulation Government No 37 Year 2021

Condition For become participant JKP ie inhabitant country Indonesia (WNI); Not yet reach age 54 year on moment register; And have a working relationship with the entrepreneur. For workers who work in large and medium companies, the requirement to become a JKP participant is that they must have been included in the JKN, JKK, JHT, JP and JKM programs. For workers who working in a business entity micro And small at least included on program JKN, JKK, JHT, And JKM.

As the government promises that the JKP program will not burden workers and entrepreneurs. The JKP RPP sets the contribution at 0.46 percent of a month's wages covered government And source funding JKP. Government pay dues as big as 0.22 percent from wages a month And the rest taken from source

JKP funding comes from the recomposition of JKK and JKM program contributions. The upper wage limit used as a reference for contributions is IDR 5 million.

Three benefit JKP that is Money cash, access information market Work, and training work, given For participant Which experience Layoffs with work relationship based on agreement Work time certain (PKWT) And agreement unspecified time work (PKWTT). JKP benefits can be applied for after the participant has contributed at least 12 months within 24 months and has paid the minimum contribution 6 months in a row before it happens Layoffs.

The important thing is that JKP regulates 5 reasons for layoffs that do not receive JKP benefits. First, layoffs for reasons of resignation. Second, permanent total disability. Third, layoffs because workers reach retirement age. Fourth, layoffs because workers die. Fifth, the end of the PKWT because the time period has expired.

2. Synchronization And Harmonization Invite Invite Create Work

If look closely, arrangement Which There is in in Act Create Work, is policy Which support climate investment Which conducive And acceleration growth economy. Matter the supported with fact that the content contained in the Employment Cluster Government Regulations aims to facilitate the labor sector. Changes in PKWT, PKWTT, and regulations layoffs, even permission use power Work foreign is proof It is concretely proven that the current direction of government policy is pro-investment, especially for foreign investors with convenience look after RPTKA.

When viewed from the perspective of legal principles in the field of industrial relations, the Job Creation Law does not go hand in hand with the principles behind it. In the field of industrial relations, the principle of benefit is known, which means that all development efforts and activities must be utilized as much as possible for humanity and the welfare of the people. It is feared that the ease of investment provided through a set of regulations in the Job Creation Law will not bring benefits to the people, but rather to investors. In this case, the problem that is feared will arise is that there are local workers who are not absorbed, and are actually unable to compete with foreign workers whose use in Indonesia is made easier. Another problem that is predicted to arise in the business opening sector (development) is deforestation which does not bring benefits (ecological principles) to humans but actually has the potential to damage natural resources in Indonesia. It cannot be denied that as an agricultural country with the nickname the emerald equator, Indonesia has natural wealth and natural forests that stretch across the large islands of Indonesia. In practice, large-scale development carried out by investors does not bring sustainable benefits to the people and actually leaves behind agrarian problems and worsens the climate crisis.

In line with this, the principle of fairness and equity in industrial relations also means that the results achieved in development must be enjoyed fairly and equally in accordance with the principles of community service. If the Job Creation Law continues to be implemented with the spirit of large-scale opening up to investors, then fair And equally as Which mandated by Invite Invite No

will be achieved. The results achieved in development will only be enjoyed by a small number of parties (investors) while the people will only be spectators and workers.

It is feared that the promulgation of the Job Creation Law will bring back The Great Happiness for The Greatest Number as stated by Jeremy Bentham, where the birth of the law is not aimed at achieving justice but at other factors that are considered more profitable. In this case, all natural resources owned by Indonesia are seen as promising assets for carrying out large-scale development by opening the door to foreign investment as wide as possible, but ignoring the humanitarian aspect by viewing workers as an aspect outside of this development. Workers are actually seen as production factors whose wages are determined using a wage formulation based on inflation and economic growth.

In exposure Which given by HKHKI on webinars with the theme "Exploring the Important Points of PP No.35 of 2021: Integration or Inconsistency Regulation?", Jmat (26/3/2021), Ike Farida said if Act Create Its main work in the wage sector is in line with justice theory. This is when viewed from the aspect of wages which is based on a formulation based on units of time and results. The existence of bipartite, tripartite and settlement institutions dispute connection industrial become proof form vertical justice. Apart from that, the presence of PKWT is divided into three types as follows results description on show If presence Act Create Responsive work to market needs, especially in the digital era where money is present compensation Which No Once arranged in in Act previously is another manifestation of the theory of vertical justice. but that needs to get the line lower is justice Which substantive Which capable presented This Job Creation Law is not only for investors and the government, but also for workers as the most vulnerable element in the employment sector.

Laws should reflect the ideas behind them, namely justice. Laws are not just a product of political bargaining. If we move from the legal postulate " *Est autem just a justitia, sicut a material sua, ergo pruisfurit justitia aquam juice* " Which means "but law arises from justice as its mother, so that there was justice before its birth law.". So the work copyright law does not carry a mission of justice as its legal ratio.

CONCLUSION

In practice, the Work Law cannot be fully implemented in Kudus Regency. This is due to internal factors in the form of an adjustment process Which Still need time for company as well as Union Workers to reach consensus through deliberation. So, from a set regulations in Invite Invite Create Work new can executed

a small part, even though the Kudus Regency Manpower Service has already done so socialization.

If we look closely at the Ape Creation Law, it has a policy direction that is pro-investment and large-scale development by opening the door to development in order to increase economic growth. However, this development actually sacrifices legal principles in the field of industrial relations, and in particular harms the element of justice which should be behind every law that is born.

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Regulation Legislation _

Law Number 13 of 2003 concerning Employment Law Number 11 of
2020 concerning Job Creation Government Regulation Number 78
of 2015

Regulation Government No 10 Year 2018

Regulation Government No 34 Year 2021 about Use Power foreign work

Regulation Government No 35 Year 2021 Agreement Work, Connection Work,
Time Work And Time Rest, And Termination Connection Work

Regulation Government No 36 Year 2021 about Remuneration

Government Regulation Number 37 of 2021 concerning Job Loss Guarantee Regulation
Minister Power Work And Transmigration Number 19 Year 2012 about
Conditions for handing over part of the work to another company.

Interview

Interview with Agus Juanto, Service Power Work Regency Holy, 24 June 2021.

Interview with Bintarno, Head Legal HRD Ethnic group Groups, 30 June 2021.