



Legal Study Of Worker Protection Against Unilateral Termination Of Employment

(Case Study Of Decision Number 21/PDT.SUS-PHI/2025/PN.SRG)

Fatih Arif Mutaqin^{1*}, M. Nassir Agustiawan², Mohammad Hifni³

Law Study Program, Bina Bangsa University¹⁻³

Email fatiharif381@gmail.com, m.nassiragustiawan@gmail.com, mohammadhifni83@gmail.com

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ABSTRACT

Unilateral termination of employment (PHK) carried out by employers without proper legal procedures constitutes a violation against workers and can lead to labor disputes. This study aims to analyze the legal basis for worker protection resulting from unilateral layoffs and to understand the legal considerations of the panel of judges in deciding the case based on Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG. This study uses a normative legal method with a case study approach, supplemented by qualitative analysis of primary and secondary data. Primary data were obtained from court ruling documents, while secondary data included laws and regulations, books, legal journals, and teaching materials. The analysis was conducted descriptively and prescriptively to evaluate the conformity between the judge's application of the law and applicable positive legal norms. The research results indicate that the judge, in deciding this case, applied legal aspects, referring to the provisions of Articles 151, 153, and 158 of Law No. 13 of 2003 as the primary consideration. The panel of judges declared the unilateral layoffs by the employer invalid because they failed to meet formal and material requirements, thus granting the workers their full rights, including wages, during the industrial relations dispute. However, the judge failed to fully consider sociological and philosophical aspects, such as the workers' economic conditions and the principle of "greater protection" for workers as the more vulnerable party.

Keywords: Legal Protection, Unilateral Dismissal, Industrial Relations Court Decisions

ABSTRAK

Pemutusan Hubungan Kerja (PHK) sepihak yang dilakukan oleh pengusaha tanpa prosedur hukum yang sah merupakan bentuk pelanggaran terdapat pekerja dan dapat menimbulkan sengketa ketenagakerjaan. Penelitian ini bertujuan untuk menganalisis dasar hukum perlindungan terhadap pekerja akibat PHK sepihak serta mengetahui pertimbangan hukum majelis hakim dalam memutus perkara tersebut berdasarkan Putusan Pengadilan Negeri Serang Nomor 21/Pdt.Sus-PHI/2025/PN SRG. Penelitian ini menggunakan metode hukum normatif dengan pendekatan studi kasus, dilengkapi dengan analisis kualitatif terhadap data primer dan sekunder. Data primer diperoleh dari dokumen putusan pengadilan, sedangkan data sekunder meliputi peraturan perundang-undangan, buku, jurnal hukum, dari bahan ajar. Analisis dilakukan secara deskriptif-preskriptif untuk mengevaluasi kesesuaian antara penerapan hukum oleh hakim dengan norma hukum positif yang berlaku. Hasil penelitian menunjukkan hakim dalam

memutus perkara ini telah menerapkan aspek yuridis dengan mengacu pada ketentuan Pasal 151, Pasal 153, dan Pasal 158 UU No. 13 Tahun 2003 sebagai dasar pertimbangan utama. Majelis hakim menyatakan PHK sepihak yang dilakukan pengusaha tidak sah karena tidak memenuhi syarat formil dan materiil, sehingga pekerja berhak mendapatkan hak-haknya secara penuh, termasuk upah selama masa perselisihan hubungan industrial. Namun, hakim belum sepenuhnya mempertimbangkan aspek sosiologis dan filosofis, seperti kondisi ekonomi pekerja dan prinsip "perlindungan lebih" terhadap pekerja sebagai pihak yang lebih rentan.

Kata Kunci: *Perlindungan Hukum, PHK Sepihak, Putusan PHI*

INTRODUCTION

In social, national, and state life, the relationship between workers and employers is a crucial part of the production process in the employment sector. This employment relationship concerns not only economic aspects but also basic human rights as workers, which require legal protection from the state. Indonesia, as a state based on the rule of law and based on Pancasila and the 1945 Constitution, has guaranteed basic workers' rights through various laws and regulations, one of which is Law Number 13 of 2003 concerning Manpower (Jahri et al., 2024).

Termination of Employment (PHK) is one form of termination of the employment relationship between workers and employers. Layoffs can occur for various reasons, whether mutually agreed upon or unilaterally by one party. In the context of employment law, unilateral layoffs are often a source of conflict because they can cause significant losses for workers, both economically and psychologically. Therefore, a clear legal protection mechanism is needed to ensure that workers' rights are maintained even after termination of employment (Sintha Andiningtyas Kirani et al., 2024).

According to Article 1 number 37 of Law No. Under Law No. 13 of 2003, layoffs are defined as the termination of an employment relationship for a specific reason, resulting in the termination of the rights and obligations between the worker and the employer. However, layoffs must be carried out in accordance with applicable legal procedures to avoid giving rise to industrial relations disputes. If a unilateral layoff is carried out without a valid reason or does not comply with legal procedures, the worker has the right to file a lawsuit with the Industrial Relations Court (PHI) for legal protection (Gofar et al., 2025).

In practice, many cases of unilateral layoffs are not carried out in accordance with applicable law. This results in many workers experiencing financial and social losses. One example is the Serang District Court decision No. 21/Pdt.Sus-PHI/2025/PN SRG, which provides a concrete illustration of how legal protection is provided to workers who are victims of unilateral layoffs. This decision is interesting to study further because it reflects the dynamics of law enforcement in the Indonesian employment system (Fitroni et al., 2025).

This decision also has a significant impact on industrial relations between workers and employers. Furthermore, the ruling establishes an important legal precedent, affirming that all layoffs must be conducted transparently, objectively,

and in accordance with applicable law. The ruling also serves as a benchmark for judicial institutions in resolving future employment disputes (Pratiwi et al., 2025).

Furthermore, legal protection for workers must be viewed as an effort to maintain a balance between the rights and obligations of all parties in an employment relationship. While employers have the right to terminate workers for specific reasons, such as efficiency or company restructuring, this right must not disproportionately disadvantage workers. Therefore, the Indonesian labor law system is designed to protect workers from arbitrary actions by employers (Yusuf et al., 2024).

However, many challenges remain in implementing legal protection for workers affected by unilateral layoffs. Some of these obstacles include low legal awareness among employers, workers' limited access to legal information, and the slow process of dispute resolution at the Industrial Relations Court (PHI). This indicates that although the legal regulations are quite comprehensive, their implementation is not yet optimal (Fitroni et al., 2025).

Therefore, a legal analysis of the Serang District Court decision No. 21/Pdt.Sus-PHI/2025/PN SRG is highly relevant. This analysis aims to understand how legal protection for workers is applied in cases of unilateral layoffs and to evaluate whether the decision complies with applicable legal protection principles. Furthermore, the results of this analysis are expected to contribute to the development of labor law in Indonesia, particularly in efforts to improve legal protection for workers in layoff situations (Jahiri, 2020).

As part of the national legal system, labor law must continually evolve in line with social and economic dynamics. Legal protection for workers is not merely a legal formality, but also a manifestation of the state's responsibility to realize social justice for all Indonesian people, as stipulated in the Preamble to the 1945 Constitution. Therefore, studying concrete cases such as the Serang District Court decision will provide a deeper understanding of the reality of the application of labor law in the field (Gofar et al., 2025).

From the above description, it is clear that the issue of unilateral layoffs and legal protection for workers is a highly relevant topic worthy of scientific research. This research is expected to provide theoretical and practical contributions to strengthening the position of workers in industrial relations and increasing legal awareness among business actors to uphold workers' rights (Rohendra Fathammubina & others, 2018).

METHODS

This research was conducted using a normative legal research method (normative juridical) focused on a case study of the Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG. The normative juridical method was chosen because this research aims to analyze and evaluate the application of labor law norms in the context of legal protection for workers who are victims of unilateral termination of employment (PHK). In this method, the primary focus of the research is not on empirical aspects or social realities in the field, but rather on

the examination of positive legal documents such as laws and regulations, court decisions, and relevant legal literature (Taufiq & Hidayat, 2011). The normative juridical method allows researchers to examine how legal norms are applied in judicial practice and assess whether the decision aligns with applicable legal provisions, particularly Law Number 13 of 2003 concerning Manpower, particularly Chapter XVI, which regulates Termination of Employment. Furthermore, this method provides an opportunity to identify potential conflicts between legal norms and judges' considerations in deciding cases, thus providing a picture of legal certainty and legal protection for workers in situations of unilateral layoffs (Taufiq & Hidayat, 2011).

As a complement, this study also uses an empirical juridical approach to enrich the analysis and provide a more comprehensive perspective. This approach is conducted through the collection of secondary data from non-legal sources, such as interviews with expert informants, including Industrial Relations Court (PHI) judges, labor law academics, legal practitioners, and employees of relevant agencies such as the Manpower Office (Manuaba & Sadnyini, 2018). The purpose of this approach is to understand the dynamics of labor law implementation at the practical level, particularly in resolving industrial relations disputes related to unilateral layoffs (Kelana, 2022). By combining these two approaches, namely normative juridical and empirical juridical, this study is expected to provide an in-depth and objective analysis of the application of labor law in cases of unilateral layoffs, as well as evaluate the effectiveness of legal protection provided to workers based on the court decisions that are the subject of the study (Subagyo & Nadapdap, 2022).

RESULTS AND DISCUSSION

General Overview of Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG

Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG is a decision handed down by the Panel of Judges at the Industrial Relations Court (PHI) in a unilateral termination of employment (PHK) dispute filed by an employee against the company where he worked. In this case, the employee sued the employer because he felt the termination was carried out without following legal procedures and violating his employment rights.

According to the decision, the lawsuit was filed on the grounds that the employer unilaterally terminated the employee without providing the employee with an opportunity to defend himself, without undergoing bipartite deliberation as stipulated in Article 153 of Law No. 13 of 2003 concerning Manpower, and without fulfilling the legitimate grounds for termination as stipulated in Article 158 of the said law.

In its ruling, the panel of judges stated that the employer's layoffs failed to meet the formal and material requirements stipulated in labor laws. Therefore, the panel of judges ruled that the layoffs were invalid and void. This is significant

because it emphasizes that layoffs must be conducted transparently, objectively, and in accordance with applicable laws.

As a result of this ruling, the employer is required to:

1. Pay workers' wages during the waiting period for their return to work, as a form of social and economic responsibility for the impact of the illegal layoffs.
2. Provide compensation in the form of long-service bonus (UPMK), in accordance with the employee's length of service and the provisions of Government Regulation No. 9 of 2004.
3. Settle other employee entitlements, such as holiday allowances (THR), old-age security, work-related accident insurance, death insurance, and other pension entitlements outstanding by the employer.

Furthermore, the panel of judges emphasized the importance of rehabilitating the reputation of workers whose reputations were tarnished during the layoff process. Although in practice this is often not given sufficient emphasis in verdicts, in this decision, non-material aspects are still considered as part of comprehensive legal protection for workers.

The panel of judges' legal considerations were based on the facts revealed during the trial, including written evidence, witness testimony, and the results of the parties' examinations. In their deliberations, the panel of judges stated that the employer's actions in terminating the employment relationship not only contradicted the principle of "greater protection" for workers, but also violated the principle of legality in labor law.

The facts that formed the basis for the considerations included:

1. The absence of a notice of termination of employment issued to the worker in accordance with Article 151 paragraph (1) of Law No. 13 of 2003.
2. The failure to hold a bipartite meeting as stipulated in Article 153 of the said law.
3. The reasons for the termination of employment stated by the employer did not meet the criteria for a "serious violation" as referred to in Article 158 letter b of Law No. 13 of 2003.
4. The employer lacked sufficient evidence to support the claim of disciplinary violations that served as the basis for the termination of employment.

Therefore, the panel of judges concluded that the termination of employment by the employer lacked a valid legal basis, both procedurally and substantively. This ruling sets an important precedent in the enforcement of labor law in Indonesia, particularly in the context of legal protection for workers who are victims of unilateral termination of employment.

This ruling also reflects the application of labor law principles oriented toward social justice and the protection of workers as the weaker party in employment relationships. Furthermore, the ruling provides clear guidance to industrial relations practitioners that layoffs should not be carried out arbitrarily,

but must go through proper legal mechanisms and provide workers with the opportunity to defend themselves.

However, there are still several evaluative notes regarding the ruling, particularly regarding:

1. The absence of a ruling requiring employers to rehabilitate workers to their original positions (reinstatement).
2. The absence of a recommendation to relevant agencies to impose administrative sanctions on employers as a deterrent.
3. The limited enforcement mechanism for the ruling, potentially making it difficult for workers to fully exercise their rights.

However, overall, this ruling represents a step forward in enforcing labor law and providing legal certainty to workers who are victims of unilateral layoffs. This aligns with the goal of the national labor system, which aims to create harmonious, dynamic, and equitable industrial relations. Based on an analysis of Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG, it can be seen that the panel of judges has consistently upheld labor law norms. However, in its implementation, legal challenges remain that require further attention, both from a procedural and substantive legal perspective.

From a procedural perspective, unilateral layoffs that do not comply with formal procedures, such as the lack of notification letters, the failure to hold bipartite deliberations, and the absence of mandatory mediation at the Industrial Relations Court, are among the main factors contributing to industrial relations disputes. In this case, the panel of judges firmly stated that layoffs carried out without following these procedures are invalid. This demonstrates the crucial role of legal procedures in layoffs in safeguarding workers' rights and ensuring legal certainty in employment relationships.

From a substantive legal perspective, the reasons for layoffs used by employers must comply with Article 158 of Law No. 13 of 2003. In this case, the employer argued that the layoffs were due to disciplinary violations committed by the workers. However, after being proven in court, this reason did not meet the criteria for a "serious violation" that could constitute a legitimate basis for dismissal. This confirms that employers cannot use subjective reasons or unilateral interpretations to justify layoffs.

Furthermore, this ruling demonstrates that the Industrial Relations Court (PHI) judges adhered to the principle of "greater protection" for workers in their decisions. This principle is a key foundation of the Indonesian labor law system, which aims to maintain a balanced relationship between workers and employers. Because workers are structurally in a weaker position in an employment relationship, they require stronger legal protection.

To ensure the effective implementation of this ruling, a robust monitoring and enforcement mechanism is needed from relevant agencies, such as the Department of Manpower and Transmigration or other law enforcement agencies.

Without the support of law enforcement officials, court decisions will be difficult to implement in practice, leaving workers without full rights.

Furthermore, this ruling also demonstrates the need for broader legal education for industrial relations practitioners, particularly employers, so they understand the legal limitations of layoffs. Many employers still consider layoffs to be their absolute right as employers, even though labor law requires that layoffs be conducted while respecting workers' basic rights and complying with applicable legal procedures.

Therefore, preventative measures such as legal counseling, HR management training, and outreach on labor regulations are necessary for business actors, particularly small and medium-sized businesses, which often lack a thorough understanding of the legal aspects of employment relations.

Overall, the Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG provides a clear picture of how labor law is applied in resolving unilateral layoff disputes. This decision serves as an important example in strengthening legal protection for workers and emphasizes that layoffs must be conducted legally, correctly, and humanely in accordance with the principles of applicable labor law in Indonesia.

Legal Analysis of the Basis for Unilateral Layoffs

1. Layoff Procedures According to Law No. 13 of 2003

Termination of Employment (PHK) is one form of termination of the employment relationship between an employee and an employer. Article 1, number 37 of Law No. 13 of 2003 concerning Manpower ("Law No. 13/2003") defines a layoff as "the termination of an employment relationship due to a specific reason that results in the termination of the rights and obligations between the employee and the employer." This definition demonstrates that layoffs are not merely administrative actions, but also have legal consequences that must be met by all parties.

Based on Article 151 paragraph (1) of Law No. 13 of 2003, layoffs can only be carried out if they meet legitimate reasons based on statutory provisions. This reflects the principle of legality in labor law, which requires a clear legal basis for terminating employment. Furthermore, paragraph (2) of the same article states that layoffs must be carried out in good faith and not arbitrarily. This means that even if a layoff is legally permitted, its implementation must still be objective, transparent, and proportional.

In practice, layoff procedures are regulated in detail in Chapter XVI of Law No. 13 of 2003, specifically Articles 151 to 157. This process involves several important stages, namely:

- a. Issuance of Written Notification: Employers are required to provide written notification to workers/laborers and labor unions. This letter must contain the reasons for the layoff along with supporting evidence so that workers can understand and prepare their defense.

- b. Bipartite Deliberation: After receiving the notification letter, both parties (worker and employer) are required to hold bipartite deliberation to find a mutually beneficial solution. The purpose of this deliberation is to maintain harmonious industrial relations and avoid resolving disputes through legal channels.
- c. Mediation (if deliberation fails): If bipartite deliberation fails to reach an agreement, mediation efforts by a mediator from the Industrial Relations Court (PHI) or the Department of Manpower and Transmigration (Disnakertrans) are the next step. The mediator's role is to help the parties reach a settlement or mutually beneficial agreement.

Given such detailed procedures, it can be argued that layoffs cannot be carried out unilaterally without going through the established formal stages. If a layoff is carried out without following these procedures, the layoff can be declared null and void, and the worker has the right to file a lawsuit with the Industrial Relations Court (PHI).

In the case of Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG, it was revealed that the employer failed to comply with the termination procedures as stipulated in Law No. 13 of 2003. Based on the decision, no written notification was given to the workers, no bipartite consultation was held, and the workers were immediately dismissed without a clear explanation. This indicates that the employer failed to properly fulfill its legal obligations and acted arbitrarily in carrying out the termination.

The panel of judges, in their deliberations, stated that the employer's termination did not meet the formal and material requirements stipulated in labor laws. Therefore, the panel of judges ruled that the termination was invalid (null and void by law) and ordered the employer to:

- a. Pay the workers' wages during the waiting period for their return to work;
- b. Provide compensation in the form of long service bonus (UPMK);
- c. Fulfill other workers' rights, such as holiday allowances, old age security, and so on.

This ruling sets an important precedent in the enforcement of labor law, particularly in ensuring that employers do not arbitrarily terminate employees without regard for workers' rights.

2. Legitimate Reasons for Termination According to Article 158 of Law No. 13 of 2003

In addition to layoff procedures, Law No. 13 of 2003 also regulates legitimate reasons for termination. Article 158 paragraph (1) outlines four main reasons for termination that are considered legitimate, namely:

- a. The employee is unable to perform their work due to illness for more than 6 consecutive months. This reason relates to the employee's physical or mental condition that prevents them from continuing to work. However, this reason must be proven by a certificate from a doctor or authorized hospital.

- b. The employee commits a serious violation such as theft, embezzlement, misconduct, or gross negligence. This serious violation must be objectively proven and have a significant impact on the company's operations or the employee's integrity. The evidence must be strong enough to support the claim of serious violation.
- c. The company is experiencing financial difficulties or bankruptcy. In very difficult economic conditions, companies are permitted to lay off employees as part of a business rescue effort. However, this reason must also be supported by official financial reports and recommendations from relevant agencies.
- d. The company is implementing efficiency measures due to restructuring. Company restructuring often results in the elimination of certain positions. However, efficiency measures must be implemented objectively and non-discriminatory, and must consider the possibility of relocating workers to other positions.

In the case of Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG, the employer argued that the layoffs were due to employee disciplinary violations. However, after further examination, the Panel of Judges found that the evidence presented by the employer was insufficient to support this claim. The allegations of disciplinary violations did not meet the criteria for a "serious violation" as referred to in Article 158 paragraph (1) letter b.

According to the Panel of Judges, the disciplinary violations alleged against the worker were subjective and not supported by concrete evidence such as a record of the violation, a written warning letter, or an objective internal investigation. Furthermore, the company made no effort to provide guidance or warnings before the termination, even though such efforts are the employer's moral and legal obligation, in accordance with the principles of proportionality and greater protection for workers.

In this regard, the Panel of Judges concluded that the grounds for the termination used by the employer did not meet the legal requirements stipulated in Article 158 of Law No. 13 of 2003. Therefore, the termination was declared invalid, and the employer was obligated to provide compensation to the worker in the form of wages during the waiting period, long-service bonuses, and other entitlements.

This decision reflects the application of the "protective principle" in labor law, whereby workers, as the less advantaged party in an employment relationship, are granted greater legal protection. This aligns with the principle of social justice, the philosophical foundation of the Indonesian labor system. Furthermore, this ruling demonstrates that in layoff disputes, the burden of proof rests heavily on the employer. Employers are required to prove that the layoffs were conducted for legitimate reasons and followed proper procedures. Otherwise, the layoffs will be deemed illegal, and the workers are entitled to full legal protection.

In the context of law enforcement, this ruling is significant because it provides clear guidance to employers, workers, and other law enforcement

agencies regarding the importance of adhering to legitimate procedures and grounds for layoffs. The Panel of Judges emphasized in its ruling that the purpose of layoff regulations is not to facilitate termination of employment, but to maintain stable industrial relations and provide legal certainty for both parties.

Furthermore, this ruling demonstrates that workers' rights cannot be reduced or ignored, even in situations where companies face business pressures or internal problems. Legal protection must still be provided, especially if the layoffs are carried out unilaterally and without valid reasons.

From a procedural law perspective, this ruling also exemplifies how the Industrial Relations Court (PHI), as a specialized court for industrial relations, carries out its function as a dispute resolution institution quickly and effectively. Through this ruling, the Industrial Relations Court (PHI) affirms that labor law must be applied in a pro-labor manner, considering workers' structurally more vulnerable position in employment relationships.

However, although this ruling is in accordance with positive legal norms, several challenges remain in its implementation, such as:

- a. Limited Access to Legal Information for Workers: Many workers are unaware of their rights in the face of unilateral layoffs, so not all workers dare to file a lawsuit even if they experience unfair treatment.
- b. High Legal Costs: Although the PHI has a relatively inexpensive and fast dispute resolution mechanism, legal costs and transportation are often prohibitive for workers, especially those from the lower-middle class.
- c. Low Legal Awareness Among Employers: Many employers still do not understand or are indifferent to proper layoff procedures, resulting in widespread unilateral layoffs.

To address these challenges, strategic steps are needed, such as:

- a. Socialization and Education on Labor Law: Local governments, particularly the Manpower and Transmigration Office, need to improve legal education programs for employers and workers.
- b. Simplifying the Lawsuit Process: The dispute resolution system at the Industrial Relations Court (PHI) needs to be streamlined and expedited, including through service digitization.
- c. Strengthening the Mediator Function: Industrial Relations (PHI) mediators must be more active in helping resolve disputes before they reach court, thereby reducing the caseload and resolution time.

Through these steps, it is hoped that the implementation of labor law, particularly regarding layoffs, can be more optimal and provide real legal protection for workers.

Furthermore, from the perspective of comparative international law studies, countries such as Germany and France have stricter worker protection systems in cases of unilateral layoffs. For example, in the German legal system, workers facing layoffs have the right to file a lawsuit within two weeks of receiving a letter of termination. This lawsuit is usually filed on the basis of a claim that the layoff lacks

a strong legal basis (sozial ungerechtfertigt or socially unfair). Furthermore, workers are also entitled to wages during the waiting period and can request rehabilitation from their original positions if the layoff is declared unlawful.

Although the Indonesian legal system is not entirely similar to those in Europe, the principles of worker protection applied there can serve as inspiration for improving national regulations. By strengthening legal protection and access to justice for workers, Indonesia can increase investment attractiveness while maintaining stable, healthy industrial relations.

In the context of globalization and the Industry 4.0 era, legal protection for workers is becoming increasingly important. Changes in economic and technological structures have made it easier for companies to restructure, implement efficiency measures, and carry out mass layoffs. Without adequate legal protection, workers are vulnerable to exploitation and the loss of their basic rights. Therefore, labor law reform must continue to address the challenges of the times.

Overall, Serang District Court Decision No. 21/Pdt.Sus-PHI/2025/PN SRG provides a clear picture of the importance of implementing valid procedures and grounds for layoffs. This decision serves as a lesson for employers, workers, and law enforcement officials that layoffs should not be carried out unilaterally without complying with applicable legal provisions.

One of the main challenges in the implementation of labor law in Indonesia is the inconsistent interpretation and application of the law by various parties. In similar cases, court decisions sometimes differ despite similar facts. This creates legal uncertainty and is detrimental to workers who wish to file lawsuits.

Therefore, there is a need for a clearer understanding of jurisprudence or decisions to serve as guidelines in resolving unilateral layoff cases. The Supreme Court, as the highest judicial institution in Indonesia, can play a role in this regard by issuing a Supreme Court Circular (SEMA) or decision guidelines that can serve as references for lower courts.

Furthermore, legal information media such as the official Supreme Court website and the court decision database need to be improved and accessed more broadly, so that the wider public, including workers and employers, can access previous decisions as references.

Equally important is the need to strengthen labor inspection institutions. Currently, the Manpower Office's oversight function is still limited and suboptimal. More intensive supervision can prevent illegal layoffs and provide a deterrent effect for employers who violate legal provisions. Increasing the number and capacity of labor inspectors is a priority to ensure that layoff procedures are carried out properly and that workers' rights are protected. Furthermore, online reporting and a whistleblower protection system can be implemented to make it easier for workers to report violations without fear of retaliation from employers.

Legal Protection for Workers in the Serang District Court Decision

The Serang District Court's Decision Number 21/Pdt.Sus-PHI/2025/PN SRG is an example of the application of labor law, providing concrete protection to

workers in cases of unilateral termination of employment (PHK). In this decision, the panel of judges considered both formal and substantive legal aspects, resulting in a ruling that favored the worker as the weaker party in the employment relationship. This aligns with the principles of legal protection stipulated in Law No. 13 of 2003 concerning Manpower, particularly in maintaining social justice and a balance between the rights and obligations of the parties.

1. Declaration of Nullity of Termination

In its deliberations, the panel of judges stated that the termination of employment by the employer did not comply with legal procedures as stipulated in Articles 151 to 157 of Law No. 13 of 2003. The termination of employment was carried out unilaterally without bipartite deliberation, without written notification to the workers and unions, and without involving a Industrial Relations (PHI) mediator or relevant agencies. Furthermore, the grounds for the termination did not fall under the category of serious violations as referred to in Article 158 paragraph (1) letter a of the law.

Therefore, the Panel of Judges concluded that the termination of employment was null and void (*niet ontvankelijk verklaard*) because it failed to meet the formal and material requirements stipulated by law. This decision reflects the application of the principle of "greater protection" for workers, a fundamental principle of the Indonesian labor law system. This principle places workers in a more advantageous position in industrial relations disputes, given the objective conditions in which workers typically have lower bargaining power than employers.

2. Payment of Wages During the Waiting Period

As a consequence of declaring the termination of employment null and void, the Panel of Judges ordered the employer to continue paying wages to workers during the waiting period for their return to work. This wage payment is not only restitutive but also represents the employer's social and economic responsibility for the negative impacts arising from the illegal layoffs.

The amount of wages to be paid is adjusted to the employee's base wage before the layoff, without any deductions. This is intended to prevent employers from carrying out arbitrary layoffs and simultaneously provide a guarantee of continued livelihood for workers awaiting the completion of the dispute resolution process. This provision ensures that workers do not suffer significant financial losses due to employer decisions that do not comply with procedures.

3. Provision of Long Service Bonuses (UPMK) and Other Allowances

In addition to wage payments, the Panel of Judges also ordered the employer to pay long service bonus (UPMK) to workers in accordance with the provisions stipulated in Government Regulation No. 9 of 2004. The amount of UPMK to be paid is based on the employee's length of service, namely one base salary for each year of service. Furthermore, the employer is also required to fulfill other employee entitlements, such as holiday allowances (THR), old-age security (JHT), and unused leave entitlements.

This obligation reflects the court's commitment to upholding the basic rights of workers guaranteed by law. Even if the termination of employment is declared null and void, the worker's right to compensation for their service during employment must still be fulfilled. This is crucial to ensure that workers are not financially disadvantaged and receive proper treatment in accordance with applicable labor law norms.

4. Rehabilitation of Worker Reputations

In this case, the Panel of Judges also highlighted the importance of rehabilitating the reputations of workers who were slandered or defamed during the termination process. There were indications that the worker was accused of disciplinary violations without strong evidence, thus tarnishing his reputation in the workplace. Therefore, the Panel of Judges emphasized that employers are obligated to rehabilitate the worker's reputation as part of restoring the worker's dignity and self-respect.

This rehabilitation can be achieved through a written apology, revocation of the dismissal letter, and clarification to colleagues and relevant agencies that the accusations against the worker are untrue. This step is crucial in the context of legal protection, as it relates not only to financial rights but also to the worker's immaterial rights as a human being with dignity and the right to be respected.

The legal protection provided in the Serang District Court's decision represents a concrete implementation of labor law principles oriented toward social justice and worker protection. This includes declaring the case null and void, paying wages, providing UPMK (Upper-Industrial Workers' Compensation) and benefits, and rehabilitating the employer's reputation.

In this case, the Panel of Judges successfully upheld workers' rights comprehensively.

However, while the ruling was quite progressive in protecting workers, several important points still require attention. One is the absence of a ruling requiring employers to reinstate or reinstate workers to their original positions. Without a mandatory reinstatement, workers cannot return to work even if the layoff is declared illegal, creating a gap in fully restoring workers' rights.

Furthermore, the ruling did not provide recommendations to relevant agencies, such as the Department of Manpower and Transmigration, to impose administrative sanctions on employers who carry out illegal layoffs. This results in a lack of deterrent effect for employers who tend to ignore labor law regulations. Therefore, it is crucial that similar rulings not only provide ex post protection to workers who have been victims of illegal layoffs but also provide ex ante recommendations to prevent similar violations in the future. One way to do this is by encouraging the revision of Government Regulation No. 37 of 2004 to clarify sanctions for employers who violate layoff procedures.

Overall, the Serang District Court Decision No. 21/Pdt.Sus-PHI/2025/PN SRG serves as an important reference in strengthening legal protection for workers in the context of unilateral layoffs. With its fair and pro-worker approach, this

decision provides new hope for workers who feel disadvantaged due to layoffs that do not comply with procedures and legitimate legal reasons.

Evaluation of the Decision's Compliance with Positive Legal Norms

The Serang District Court Decision No. 21/Pdt.Sus-PHI/2025/PN SRG in the unilateral termination of employment (PHK) dispute case demonstrates efforts to apply general labor law norms in accordance with the principles stipulated in Law No. 13 of 2003 concerning Manpower. The Panel of Judges emphasized in its decision that layoffs cannot be carried out unilaterally without following legitimate procedures and must meet the reasons permitted by law.

Substantively, the ruling aligns with Articles 151 through 157 of Law No. 13 of 2003, which detail the procedures for implementing layoffs. These include the employer's obligation to provide written notification to workers and unions, to hold bipartite deliberations, and, if no agreement is reached, to proceed to mediation at the Industrial Relations Court (PHI) or the relevant agency. In this ruling, the panel of judges stated that the employer failed to follow these procedures, and therefore the layoffs were declared null and void.

Furthermore, the ruling reflects the protection of workers' basic rights as part of the principle of social justice, as enshrined in the Preamble to the 1945 Constitution and various provisions of Law No. 13 of 2003. This is evident in the ruling's requirement for employers to pay wages during the waiting period for workers to return to work, provide long-service bonus (UPMK), and fulfill other rights such as holiday allowances and old-age security.

Furthermore, the ruling also affirms the application of the principle of "greater protection" for workers, a fundamental principle of labor law. The structurally weaker position of workers compared to employers is an important consideration for the panel of judges in issuing pro-worker decisions. This principle also aligns with the Constitutional Court's jurisprudence in Decision Number 27/PUU-VII/2009, which states that labor law must be interpreted pro-labor to maintain balance in industrial relations.

1. Absence of a Job Restitution Decision

One of the main weaknesses in the Serang District Court's ruling is the absence of a ruling ordering employers to rehabilitate or reinstate workers to their original positions. Even if a layoff is declared null and void, this does not automatically guarantee workers can return to their jobs. In many cases, even if the court declares a layoff invalid, workers still find it difficult to regain their positions due to the lack of a clear executive order from the court. In the context of labor law, job restitution is the most effective form of protection because it not only provides material compensation but also restores workers' rights to their jobs. Without a restitution decision, court decisions tend to be merely declarative, lacking legal certainty and a sense of justice for workers.

Therefore, ideally, in this decision, the panel of judges would provide a more concrete ruling regarding the employer's obligation to reinstate workers to the same or equivalent position, as well as imposing sanctions if the employer fails to

comply. This would increase the effectiveness of the decision and strengthen the worker's position in the employment relationship.

2. Limitations of Administrative Sanctions for Employers

As a consequence of violations of layoff procedures and workers' rights, this decision does not provide recommendations or orders leading to administrative sanctions against employers. In fact, to prevent future unilateral layoffs, it is crucial that employers who violate regulations are subject to preventive and repressive sanctions.

Law No. 13 of 2003 itself provides the basis for imposing administrative sanctions on employers who violate provisions, such as written warnings, business suspensions, or business license revocation. However, in this ruling, the panel of judges did not direct recommendations to relevant agencies, such as the Department of Manpower and Transmigration or the Ministry of Manpower, to impose such sanctions.

As a result, employers face no real consequences for their legal violations. This could set a negative precedent in industrial relations, with employers feeling unencumbered by their obligation to adhere to proper layoff procedures. Without a deterrent effect, it is feared that unilateral layoffs will continue, and court decisions lack sufficient deterrent power.

Implications of the Ruling for Worker Legal Protection

The Serang District Court's ruling No. 21/Pdt.Sus-PHI/2025/PN SRG in the unilateral termination of employment (PHK) case has significant implications for strengthening legal protection for workers in Indonesia. As a specialized judicial institution handling labor disputes, the decision made by the panel of judges in this ruling provides new direction and guidelines for resolving conflicts between employers and workers.

1. Precedent in Resolving Termination Disputes

The Serang District Court's decision can serve as a basis for consideration or precedent in similar cases brought to the Industrial Relations Court (PHI). Although the Indonesian legal system does not adhere to the absolute principle of *stare decisis*, as in common law systems, decisions that have been carefully considered.

g still has its own legal weight as a reference in developing consistent legal interpretations.

In this context, the ruling confirms that layoffs must be carried out in accordance with the legal procedures stipulated in Articles 151 to 157 of Law No. 13 of 2003 concerning Manpower. With this ruling, other law enforcers, both Industrial Relations Court judges and mediators, can use it as a reference in assessing whether a layoff is legally valid.

2. Increasing Employer Legal Awareness

One important impact of this ruling is increasing employer legal awareness of the importance of following proper layoff procedures. Many employers still ignore the formal mechanisms stipulated in the law, potentially violating workers'

rights. This ruling serves as a lesson that unilateral layoffs without clear reasons and proper procedures can result in lawsuits that are financially and reputationally detrimental to the company.

With this ruling, employers are encouraged to be more careful in making decisions regarding layoffs, including conducting bipartite deliberations, providing written notification, and ensuring that the reasons for the layoff comply with the provisions of Article 158 of Law No. 13 of 2003.

3. Strengthening the Position of Workers in Industrial Relations Disputes

Workers, as the generally weaker party in employment relationships, gained a stronger position following this ruling. The panel of judges, in this ruling, demonstrated its commitment to the principle of "greater protection" for workers, as mandated by national labor law.

By declaring the termination of employment null and void and providing compensation in the form of waiting period wages, long-service bonuses, and holiday allowances, workers' rights were successfully restored. This gave workers confidence that they had effective legal recourse to combat injustice in employment relationships.

CONCLUSION

Based on the analysis of Serang District Court Decision Number 21/Pdt.Sus-PHI/2025/PN SRG, several important points can be concluded regarding legal protection for workers due to unilateral termination of employment: (1) Legal Basis for Unilateral Termination: Termination can only be carried out if it meets the formal and material requirements as stipulated in Articles 151 to 160 of Law No. 13 of 2003 concerning Manpower. In this case, the employer failed to comply with the legal procedures for termination, namely by failing to provide the worker with an opportunity to defend themselves, failing to hold bipartite deliberations, and failing to involve a PHI mediator or related agency before issuing the termination decision. (2) Reason for Termination Does Not Meet the Elements of a Serious Violation: The reason used by the employer, namely disciplinary violations, does not meet the elements of a "serious violation" as referred to in Article 158 paragraph (1) letter b of Law No. The panel of judges deemed the evidence presented by the employer insufficient to support the claim, therefore, the termination of employment was declared invalid and null and void.

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