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Legal Protection of Workers Due to Termination of Employment Due to Resignation

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Abstract---*The purpose of this research is to find out (1). Legal protection of workers due to termination of employment (2). The role of the government in manpower is following Article 156 paragraph 4 letter c of Law Number 13 of 2003 (3). The legal culture carried out by the company is related to the legal protection of the rights of resigning workers. The research method uses normative law based on secondary data, supported by data obtained from interviews with workers, and public-private institutions. The results obtained (1). The substance of the regulation concerning the legal protection of workers' rights due to termination of employment due to resignation (2). Regulations have not been formulated clearly and comprehensively which creates legal uncertainty for workers (3). Regulations have an impact on government officials in implementation, with higher laws and regulations, (4). Create differences in legal culture in private companies and state-owned enterprises.*

Keywords---*legal protection, resignation, termination employment, workers*

Introduction

The relationship between workers and companies, as well as the government, and the state in carrying out the protection of the rights and obligations of the parties, is carried out with a background to avoid any irregularities or violations in the work relationship process that can harm one of the parties in the world of work or work relationship. Afifah (2018). In addition, the background of the state taking over the problems in the employment sector is also related to the identity of our country as a state of law. Where in a democratic society and adhering to the rule of law, the law should reflect the community's sense of justice because the law must be aspirational, so that the law that is enforced reflects a sense of justice and legal certainty, as aspired by the community. Where since Indonesia's independence, the development and formation of legal construction have been carried out and implemented rapidly. This is in line with the principle of our country, namely the principle of the rule of law and not power.

To achieve an atmosphere of legal community life that can uphold legal certainty and at the same time reflect a sense of community justice, several factors are needed, namely:

- 1) The existence of a democratic legal instrument
- 2) The existence of a bureaucratic structure of legal institutions that are efficient and effective as well as transparent and accountable.
- 3) The existence of legal apparatus and legal professions that are professional and have high moral integration.
- 4) There is a culture that respects, obeys, and upholds

Then this has been reflected in the state constitution in the 1945 Constitution of the Republic of Indonesia in Article 27 Paragraph (2) which states that: Every citizen has the right to work and a decent living for humanity. Lubis (2020). From the description of the article, it can be said that the state guarantees every citizen has a job, where it is expected that every citizen has a decent and prosperous life and can realize social welfare in this country. The above is a consequence of the principle of the rule of law, that the government is given the authority to intervene in community activities so that it can freely carry out its duties in building community welfare.

Then with the intervention of the government which has been determined by the 1945 Constitution, to realize the mandate, development in the manpower sector should be directed at creating job opportunities for the community so that workers/ laborers will be able to live decently with their families. [Ellert \(2017\)](#). Then with the advancement in the employment sector, it will always make an increase in the stability of the nation's economy. Everything contained in the objectives of manpower development can also be seen in Article 4 of Law Number 13 of 2003. [Hanoatubun \(2020\)](#). Empower and utilize the workforce optimally and humanely. Realizing equal employment opportunities and providing manpower following the needs of national and regional development. Protect workers in realizing welfare, and Improve the welfare of workers and their families. In addition, labor law has the elements mentioned below, namely:

- 1) A series of rules both written and unwritten;
- 2) Regulating the occurrence of employment relations between workers and employers;
- 3) People are working under other people, by getting wages as remuneration;
- 4) Regulate the protection of workers/laborers, covering problems of illness, menstruation, pregnancy, childbirth, the existence of workers/labor organizations, and so on.

However, so far there has been no balance between the availability of job opportunities and job seekers because labor conditions in Indonesia are still faced with problems. [Ngutra \(2017\)](#). One of them is, among others, the low skills possessed by job seekers, in addition to the level of labor productivity, unequal distribution of labor both regionally and sectorally as well as the protection and welfare of the workforce. However, looking at the factors stated above, there is also a big influence in attracting the investment climate or investment in Indonesia, this is because in principle a foreign investment activity in a company in a country aims to seek profit only (economic opportunity). These advantages can be obtained from various factors: cheap labor wages, close to the source of raw materials, the breadth of new markets, selling technology (brands, patents, trade secrets, industrial designs), selling raw materials to be made into finished goods; incentives for investors; and the special status of certain countries in international trade.

Then related to that, considering the factor of developed countries coming to a country because of cheap labor wages to reduce production costs, companies from developed countries invest in developing countries aiming to get cheap labor wages. Most developing countries have an abundant workforce, with wages much lower than wages for the same work in developed countries. By investing in developing countries that have abundant labor, investors can develop their capital or business at a low cost. In terms of looking for cheap labor wages, there are at least five other considerations used by investors before investing, namely:

- 1) Culture factors, worker motivation, capital movements, preparation, etc.
- 2) Labor regulation.
- 3) Responsiveness to the surrounding economy in providing supporting goods and services.
- 4) The credibility of public, and sector commitments about taxes, infrastructure, and other regulatory issues.
- 5) The institutional base of commercial law.

So it can be seen that behind these weaknesses in terms of human resources in Indonesia, there are also advantages in attracting foreign capital that requires cheap labor. In addition, the Indonesian government tends to use the revision of the Manpower Law as a short route to be taken to improve the investment climate. [Wati \(2015\)](#). Although this revision is intended to find common ground between the interests of employers and workers, the government's good intentions have received a negative response from the public. The public suspects that the revision of the Manpower Law will favor the interests of employers

From these differences of opinion, it can be an indication that there is the vagueness of norms and also a conflict of norms between norms that have a higher hierarchy and those that are below it, and besides that, there is also an impression that the law is influenced by politics in the sense of the rulers who lead in In that era, this view was in line with the flow of the Critical Legal System, [Sunija et al. \(2020\)](#). Where the school had the view that "Law is Politic", which means that law is a political crystallization that developed in that era and law cannot be separated or independent without the influence of political and other social factors, because after all "This workforce is a determining factor in matters relating to work productivity, therefore it needs the best arrangement. [Vina \(2016\)](#). This is to protect or provide legal protection for their rights in the field of employment. "For this reason, as a form of implementing the working relationship between workers/laborers, entrepreneurs, employers, and the government, it must be following the spirit contained in the Pancasila precepts, meaning that all forms of behavior of all subjects

involved in the production process must be based on the noble values of Pancasila. in full (Kahn, 2010; Diantari & Riana, 2019; Krisnanda & Surya, 2019).

Then departing from the implementing regulations, the researcher also wants to know in detail the correlation between Law Number 13 of 2003 and the implementing regulations from the perspective of the hierarchy of applicable laws and regulations, and whether it can allow the implementing regulations to be used as further instructions from the law. the law or otherwise does not allow it as stated in no. TAP MPR NO.III/MPR/2000 and Law Number 10 of 2004 concerning the Establishment of Legislation.

Research Methods

This study uses a qualitative approach that describes the truth of the phenomena that occur in the field.

Object of research

Research is a key tool in the development of science in revealing the truth in a systematic, methodological and consistent manner. Sugiyono (2017). Through the research process by analyzing the data that has been collected. By analyzing the legal norms in the legislation. Reviewing labor regulations that are correlated with aspects of legal certainty, and the practice of labor legislation in the field with unplanned interviews, namely the researcher does not prepare in advance the questions to be asked, things that are used only as support for normative legal research methods, as the main factor in the research.

Data collection techniques

In this study, the data collection techniques were carried out in two ways, namely:

- 1) Literature research in which researchers obtain secondary data, by examining reading materials related to the focus of the problem, namely employment. It was carried out in several places, namely, the Postgraduate Library, the Faculty of Law, Sheikh Yusuf Islamic University, Tangerang, the Tangerang Regency Manpower Service Library, and data via the internet.
- 2) Interviews with data collection techniques by conducting direct interviews with informants who can be trusted and assist researchers in solving problems. Interviews were also conducted by researchers with several informants, namely the Tangerang Regency Manpower Office, several industrial companies, and pawnshop public companies.

Discussion

The Government's Role in Legal Protection of Workers' Rights Related to Termination of Employment Due to Resignation. Government apparatus which means following the legal theory used, which means the level of structure in the legal system, the institutional body of the body system, and the tough, rigid bones that keep the process flowing within bound.

Where the apparatus is given the authority to make regulations in fulfilling its duties and functions, the regulations will be reviewed as a position lower than the law and as implementing regulations for the law. The regulations used are in the form of a Decree of the Director General of Industrial Relations, and a Decree of the Minister of Manpower and Transmigration. Regulation on the implementation of Article 156 Paragraph (4) Letter c of Law Number 13 of 2003. As a replacement for housing and treatment and care, 15% of the severance pay and/or service award for those who meet these requirements are set.

- 1) Based on the Directorate General of Industrial Relations Development Number B.468/DPHI/VII/2003. As an Elucidation of Law Number 13 of 2003 Article 162 Paragraph (1), Regarding the resignation of Workers resulting in Termination of Employment, namely: (a). Whereas in Law Number 13 of 2003 there is no longer any regulation regarding the right of workers to resign of their own volition to obtain a period of service award, but Article 162 stipulates that for workers who resign, in addition to receiving compensation for their rights following the provisions of Article 156 paragraph 4 given severance pay, the amount of which is regulated in the work agreement, company regulations, and collective labor agreement. In this provision, it is no longer stipulated that employers should pay severance pay, and/or gratuity for years of service for workers

- who resign of their own accord. (b). Article 156 paragraph 4 states that the compensation money that should be received includes: Annual leave that has not been taken and has not fallen. (c). If the resigning worker does not receive severance pay, and/or service award money as referred to in point 1 above, then the right to replacement of housing as well as treatment and care as referred to in number 2 letter c will automatically cease to exist. While the compensation for entitlements as referred to in number 2 letters a, b, and d above will still be obtained as long as the resigning worker has rights following the applicable laws and regulations.
- 2) Based on the decision of the Minister of Manpower and Transmigration Number 18. KP.04.29.2004, Regarding Housing Reimbursement and Treatment and Care, it is stated (a). Law No. 13 of 2003 concerning Manpower no longer stipulates the rights of workers who because of serious mistakes or resign to receive severance pay, and/or service awards. However, according to article 158 paragraph (3), article 162 paragraph (1), and article 168 paragraph (3) the worker concerned is entitled to receive compensation for entitlements following the provisions of article 156 paragraph (4) (a). As for the compensation for entitlements as referred to in Article 156 paragraph (4), it includes annual leave that has not been taken and has not yet fallen. (a). Reimbursement for housing as well as treatment and care in the amount of 15% (fifteen percent) of severance pay and or gratuity for years of service, will still be given to workers who have been laid off due to serious mistakes or resigned and are calculated based on years of service as regulated in Article 156 paragraph (2) for the calculation of severance pay and article 156 paragraph (3). For the calculation of the reward for the period of service. In this regard, the resolution of differences in perceptions regarding the implementation of the calculation of the amount of housing reimbursement as well as treatment and care is based on this letter.
 - 3) Based on the Circular Letter of the Minister of Manpower and Transmigration Number B.600/Men/Sj-Hk/Viii/2007, Regarding Housing Reimbursement and Treatment and Care, it states (a). The worker or laborer in question is not entitled to severance pay as referred to in Article 156 paragraph (2) and service award as referred to in Article 156 paragraph (3) of Law Number 13 of 2003 concerning Manpower. (b). The worker/ laborer in question is entitled to compensation money following Article 156 paragraph (4) of the separation fee. (c). The compensation for entitlements as referred to in number 2 includes: Annual leave that has not been taken and has not yet fallen. (d). Because the resigned worker/ laborer does not receive severance pay and long service award, the worker/ laborer in question does not receive housing replacement as well as treatment and care as stipulated in Article 156 paragraph (4).

Based on the Head of Sub-Department of Industrial Relations and Labor Supervision, the Tangerang Regency Manpower Service, if seen from the frequent changes in other regulations as implementing instructions or other regulations for legal protection of the rights of workers who resign in this Law Number 13 of 2003 Regarding housing reimbursement as well as treatment and care in Article 156 Paragraph (4), as a result of the termination of employment, logical analysis can be drawn that the article is still vague or biased because it was not formulated comprehensively by the regulator at that time, causing multiple interpretations. in its application to industrial relations (Ng, 2021; Gaffar et al., 2021; Kugler & Pica, 2008).

Based on the description above, there are two perceptions in responding to Article 156 Paragraph (4) regarding housing replacement as well as treatment and care due to termination of employment due to serious errors and resignation, which according to the decision of the Directorate General of Industrial Relations and Circular Letter of the Minister of Manpower and Transmigration by Mr. Fahmi Idris stated that the right of the worker if he resigns so that the employment relationship with the entrepreneur is terminated, then the legal protection is that the worker only gets compensation for the rights as stipulated in article 156 paragraph (4) only in letters a, b and d only and letter c can't be anywhere because there is no severance pay and there is no long service award, so it causes money to replace housing, as well as treatment and care, also doesn't exist or it falls automatically

It should be noted that severance pay and long service benefits are assumed to exist, and can be multiplied by 15% of the housing and medical reimbursement to obtain the nominal that the employer must pay to the resigning worker. Taufik & Ayuningtyas (2020). Talking about this law also means about how this law can be obeyed spontaneously, not by coercion, therefore the law must have good grounds for enactment. There are three basics so that the law has the power to apply properly, namely the juridical, sociological, and philosophical basis, because legislation is law, a good statutory regulation must contain these three elements. What has never been explained is how the balance between the three elements is. This ultimately depends on the approach used. Those who approach the law or legislation formally will certainly see the juridical element as the most important. Likewise, those who see the law as a social phenomenon will see a very important sociological element. Likewise, those who measure the goodness of law will certainly emphasize the importance of the philosophical aspect. However, in this thesis, the researcher focuses more on the juridical approach as the most important.

Legal protection of workers' rights by termination of employment due to resignation.

Then the researchers tried to re-analyze all other regulations or implementing regulations in terms of the juridical approach, in which the Decree of the Director General of Industrial Relations Development, [Taufik, Ayuningtyas., et. al., \(2020\)](#). The Decree of the Minister of Manpower and Transmigration by Mr. Jacob Nuwa Wea, and the Circular of the Minister of Manpower and Transmigration by Mr. Fahmi Idris is null and void and can be canceled, this is because it refers to Article 156 paragraph (5) of Law Number 13 of 2003 concerning Manpower, which states that: (5) Changes in the calculation of severance pay, calculation of service fee, and compensation for entitlements as referred to in paragraph (2), paragraph (3), and paragraph (4) shall be stipulated by a Government Regulation.

- 1) First, the Decree of the Director General of Industrial Relations, the Decree of the Minister of Manpower and Transmigration by Mr. Jacob Nuwa Wea, and the Circular Letter of the Minister of Manpower and Transmigration by Mr. Fahmi Idris are null and void, because of the necessity of having the authority of the legislators. Every statutory regulation must be made by an authorized body or official. Otherwise, the legislation is null and void. It is considered never existed and all consequences are legally null and void. Where the article above says that the one who can make changes to the formulation of compensation money and so on is the President because only a President can issue Government Regulations. So that the implementing regulations issued by the Director General and the Minister of Manpower and Transmigration are null and void because the legal subjects do not have the competence or authority to make Government Regulations. Referring to Article 1 point 5 of Law Number 10 of 2004 concerning the Establishment of Legislations, it is stated that: (5) Government Regulations are Legislation Regulations stipulated by the President to carry out the Law properly.
- 2) Second, the Decree of the Director General of Industrial Relations, the Decree of the Minister of Manpower and Transmigration by Mr. Jacob Nuwa Wea, and the Circular Letter of the Minister of Manpower and Transmigration by Mr. Fahmi Idris are irrevocable, this is because considering the necessity of conformity of the form or types of laws and regulations with regulated material, especially if ordered by legislation at a higher or equivalent level. It can be seen in Article 156 paragraph of Law No. 13/2003, that those who can formulate changes to the calculation of compensation for rights and so on are determined by Government Regulations, and not by regulations at the level below the government regulations. So that it can be analyzed that the three implementing regulations are not appropriate for their existence to reformulate the changes in the calculation of compensation for rights and so on.
- 3) Therefore, judging from the basis of juridical validity, the three implementing regulations should be null and void and/or can be canceled. In addition, the Decree of the Director General of Industrial Relations and the Circular Letter of the Minister of Manpower and Transmigration by Mr. Fahmi Idris correlated with the juridical basis in the formation of laws and regulations which also violated the applicable procedures, namely: the obligation not to conflict with higher-level regulations. . Where according to Hans Kelsen that every rule of law must be based on a higher level rule. This means that it can be analyzed that the Decree of the Director General of Industrial Relations and the Circular Letter of the Minister of Manpower and Transmigration should be in line with or support the basic regulations at a higher level and not the other way around. Hans Kelsen's opinion was also adopted by our country because our country is a country based on the law so the laws made by the authorities in this case the government must be implemented. Hans Kelsen's view is in line with Article 4 paragraph 1 of the TAP MPR RI No.III/MPR/2000 concerning Legal Sources and the Order of Legislation, which states that: Every lower law rule must not conflict with a higher one.

In this provision what is meant by "hierarchy" is the hierarchy of each type of legislation based on the principle that lower laws and regulations must not conflict with higher laws and regulations. So it can be analyzed that the Decree of the Director General of Industrial Relations and the Circular Letter of the Minister of Manpower and Transmigration is recognized as a statutory regulation as stated in the article and explanation of the article above, but if viewed from a hierarchical perspective, the two implementing regulations are still under the law. [Nola \(2016\)](#). The law, where if the researcher correlates the Decree of the Director General of Industrial Relations and the Circular Letter of the Minister of Manpower and Transmigration, with Law Number 13 of 2003, there has been a conflict of norms between the implementing regulations and the main regulation, namely Law Number 13 2003 concerning Manpower, because according to the implementing regulations above that worker who due to legal acts resign, resulting in termination of employment, do not get their rights as regulated in Article 156 Paragraph (4) Letter c, while in the main regulations in the Law Article 156 Paragraph (4) of Law Number 13 the Year 2003 also states that

workers who are terminated because of their resignation also receive their rights as a whole in Article 156 Paragraph (4) of Law Number 13 of 2003, including money for housing replacement as well as treatment and care. So the implementation regulations should be in line with the main law and not contradict or contradict (Moore, 2015; Graen & Ginsburgh, 1977; Yuan et al., 2016).

This is in line with the statutory theory, namely the principle which states that if there is a conflict between the lower hierarchical and higher hierarchical laws and regulations, the lower hierarchical regulations must be set aside. In other words, higher legislation overrides lower legislation. Therefore, the Decree of the Director General of Industrial Relations and the Circular Letter of the Minister of Manpower and Transmigration should be null and void. Then Prof. Maria thinks that the circular should merely explain or contain technical instructions for a general regulation. But not infrequently, SE creates new norms that end up confusing. Moreover, if it comes to the SE, subordinates in the officials are more likely to obey the laws and regulations. "Sometimes it's like a rule, but it's only internal. In this regard, Professor of Law Sciences at the University of Indonesia, Maria Farida Indrati, reminded us that does not fall under the category of statutory regulations. Although it appears, as a rule, it is only for internal circles.

Procedures to simplify, or clarify the rules that must be implemented. Because it is only to clarify, it must not violate the laws and regulations. Soeryabrata (2019). What happens in Indonesia? Issued could be due to intentional factors, but could also be due to ignorance. It is called intentional because certain officials think they have the discretion to make certain norms. By law, officials may make additional rules as long as they are against what has not been regulated. The ignorance factor is due to the lack of knowledge and understanding of officials who issue laws and regulations. That is why officials also need to harmonize regulations before issuing the best.

Likewise, with the Circular Letter of the Minister of Manpower and Transmigration, it should not conflict with the provisions of Law Number 13 of 2003. If it is stated in the labor law that the resigned worker gets his rights as a whole, then a letter should also be issued. the ministerial circular must be in line with the law and explain in detail if there is a lack of clarity in it, and not on the contrary exacerbate the problem by making policies that are contrary to higher regulations.

Communities in all aspects of association and business need clear and definite regulations from the law so that they can relate to the surrounding community for sure by obeying and carrying out social life. Without clear regulations, people are hesitant to take steps to do anything, because if there is a conflict of interest, then only legal regulations are expected to provide a way out. So the regular element of the purpose of the law is very important as one element of the purpose of the law. Where is the regular element, namely in the form of legal norms that provide certainty of settlement for every problem in society about what the law is or how the law is on a problem? So the law here comes to create legal order and certainty. Thus, this aspect of regulation is very important for the community to act following the law to prevent conflicts of interest and provide certainty about what must be made by the community in any field of life according to the law so that there are no clashes.

So if you look at the purpose of this law with the reality in the field of employment law related to resigning, where the implementing regulations often change, it can be concluded that Article 162 of Law Number 13 of 2003 regarding resigning is correlated with Article 156 paragraph 4 letter c, has not been able to provide the expected legal certainty. Sonhaji (2018). Because the structure, in this case, the government apparatus still has to do a further explanation of the provisions of the law related to the rights of workers who resign, and as researchers discussed in the previous chapter that a good law is a law that is predictable, but not on the contrary, the law in the field of manpower cannot be predicted concerning the legal protection of the rights of workers who resign.

Besides that, the legislation in the field of manpower is enforced, namely providing more legal guarantees for a balance position between workers and employers, as well as providing legal protection for workers' rights and not, on the contrary, it is detrimental to workers' rights and more provide benefits for the entrepreneur, which the entrepreneur has benefited from the work carried out by the workers during the industrial relations process. So that the element of justice from the purpose of the law can be fulfilled, where this element of justice states that the will is constant, to give to each part of it (Eger, 2003; Pissarides, 2001; Salzberg et al., 1988).

Justice requires humans to create peace by giving other people their share according to their rights and this must be done consistently and, should not be carried out arbitrarily, and other parties must always be considered according to their existence according to law. So that the fair law can be implemented properly. Therefore, judging from the analysis of the researchers, it is better if the government apparatus must always maintain stability and harmony in this labor law, especially regarding the legal protection of workers' rights related to the termination of employment due to resignation, as well as in other sectors in the employment sector, this is because that By maintaining this condition, it is hoped that it will attract foreign capital to come to Indonesia, so that significant employment will also

occur, and the purpose or function of law as a means of supporting the country's economic development can also be realized for the welfare of the people.

Legal culture as legal protection of workers' rights by the termination of employment due to resignation.

Legal culture is the public's perception or view of the legal system. Legal culture is a system—their beliefs, values, ideas, and exceptions. The existence of a good legal substance of laws and regulations in the field of manpower, without the support of the implementing apparatus and the legal culture of the community, will result in not working optimally on these regulations. In other words, in countries that have a good legal culture, the legal system tends to be good and vice versa in countries with a corrupt legal culture, the legal system tends to be bad. [Mogi \(2017\)](#). This happens because every community has its perception and way of looking at what is right and what is wrong. Furthermore, legal culture, according to Friedman depends on or is strongly influenced by the sub-cultures of the society concerned, including economic interests, position or position, educational background, environment, culture, religion, and even interests.

The meaning of status or position here is the status or position of a person in a community. For example: in his position as a student, a person tends to be idealistic towards the rule of law, in contrast to someone whose position as a bureaucrat is always 'considering' which 'interests' should be prioritized over the enforcement of the rule of law. [Loman \(2020\)](#). Likewise, a lawyer who because of his status/position requires him to defend his client must be different from the legal culture of a prosecutor who because of his status and position requires him to sue the defendant.

The point is, according to Friedman, even though it is based on the same material as statutory regulations with people who both hold law degrees and read the same textbooks, in terms of legal views and opinions on a legal phenomenon, everyone will be greatly influenced by their position. where he stands. And this is completely not to blame, as long as his opinion is objectively based on the existing rules of the game. As also stated by Erman Rajagukguk, to attract or increase foreign capital, at least 3 (three) conditions are required that must be met. [Sonhaji \(2018\)](#). One of the conditions that must be met is the need to create legal certainty that reflects the values of truth and justice and is not discriminatory. This legal certainty must cover aspects of legal substance, ranging from laws to regional regulations and court decisions. To ensure consistency in the implementation of regulations, it is necessary to have the support of professional and moral legal apparatus and be supported by the legal culture of the community.

The implementation of the employment sector in Indonesia is strongly influenced by the legal culture of the Indonesian people. [Hosseini \(2012\)](#). A well-developed legal culture will certainly be able to support a conducive climate in the employment sector and it is hoped that it will also provoke an investment climate. Vice versa, a legal culture that has not been well developed will certainly be able to hinder the implementation of the investment. Seeing the explanation of the legal culture above, the researcher would like to explain the research conducted by researchers at PT First Jakarta International, where the company is a company that has foreign investors, is engaged in the property business, and currently, the company employs 150 employees. person.

In addressing the problems of this thesis, Mr. Andri Christian, as the Human Resources Officer stated that regarding termination of employment due to resignation, [Prajnaparamitha & Ghoni \(2020\)](#). legal protection of workers' rights is more beneficial for the workers, because the calculation of workers' rights is based on the provision of two times the net salary received by the worker and besides that it also refers to the principle of Article 162 paragraph (1), and in essence, everything can be given by the company as long as the worker has shown dedication and commendable loyalty when the worker works for the company. . So that if we look at the future regarding legal actions taken by the company, which are welcomed positively in preventing industrial relations disputes against their workers.

Then the legal culture used by industrial companies engaged in spare parts, related to legal protection for workers who resign, based on their Collective Labor Agreement, states, namely: (a). Article 83 paragraph 2, the Company is obliged to pay for the rights of employees due to Termination of Employment, which is further regulated in the Implementing Instructions. Article 84, Termination of Employment, due to resigning at his request, must meet the following requirements:

- 1) Must submit a written termination application to the Company at least 30 days in advance.
- 2) Not bound by service, and continue to carry out their obligations until the date of resignation. Paragraph 5 as Implementation Instructions

For employees who resign or experience termination of employment for any reason, based on Article 156, paragraph 4 of Law Number 13 of 2003, the Company will pay compensation. (a). Annual Leave that has not been taken and has not been canceled (b). Demobilization costs for Employees and their families to the recruitment location (c). Compensation for payment of housing allowances, and medical treatment, which is calculated at 15% of the Severance Pay and Period of Service Payments to Employees who meet the requirements. [Elviandri., \(2019\)](#). If the employee who resigns or who is experiencing termination of employment is deemed ineligible to receive severance pay and service pay, the amount of compensation for termination of employment will be determined and calculated assuming the employee concerned is deemed worthy of receiving severance pay and award money. The working period is following applicable legislation.

Steps were taken by the company, to anticipate legal uncertainty from the applicable legislation between Law No. 13 of 2003 and Circular Letter of the Minister of Manpower and Transmigration No. B.600/MEN/Sj-Hk/VIII/2007, [Dongoran \(2016\)](#). Regarding housing replacement money. and treatment and care. Because according to him the "gray zone" that occurs as a result of conflicting laws will provoke industrial relations disputes, and this has happened in PT KPI, but can be resolved properly (win-win solution). So to anticipate that industrial relations disputes will not occur or at least reduce, the company's CLA clearly states the legal protection of workers' rights as a result of resigning.

Based on the data of legal culture researchers conducted at the company, it is very wise, because it can make legal breakthroughs to anticipate the consequences caused by conflicting laws made by policymakers, to obtain the best results between the company and its employees, so that industrial relations disputes related to this problem will not arise in the future. [Parinduri \(2019\)](#). On the other hand, in the Decree of the Board of Directors of Public Procurement Companies Number: R.229/SDM.400324/2008 concerning Dismissal with Respect At Your Request, Br. XY, NIK XX, YY Rank Employee at the Secretariat of the Perum Pegadaian Company in Jakarta Board of Directors of Perum Pegadaian. In its decision, it states the following:

- 1) First: Respectfully Dismiss at His Request as an Employee of Perum Pegadaian.
- 2) Second: To Mr. XY, NIK XX, has the right to receive Nilan Cash Benefits for Old Age Savings. From Persero retirement savings company, Deferred Pension Benefits from the Pegadaian Pension Fund, Entitlement Replacement Money Article 156 paragraph (4) letter a in the form of replacement with money for annual leave paid for has not been taken and has not yet fallen, and wages and transportation fees for August 1, 2008.
- 3) Third: This decision shall come into effect on August 4, 2008, with the stipulation that if there is an error in it, it will be corrected accordingly, and accompanied by an acknowledgment of gratitude for the service so far to pawnshop general company.

The description of the article above is that Perum Pegadaian is one of the state-owned legal entities and its existence will be appointed and dismissed, its position, rights, and obligations cannot be separated from Law Number 13 of 2003. [Joka \(2020\)](#). If you look more closely at the decision of the board of directors of Perum Pegadaian regarding the protection Law on workers' rights due to resigning, the Decree of the Board of Directors of pawnshop general company refers more to the Circular Letter of the Minister of Manpower and Transmigration Number B.600/Men/Sj-Hk/Viii/2007, Regarding Housing Reimbursement and Treatment and Care, and does not refer to the basic rules.

Therefore, it is clear that the Decree of the Board of Directors of Perum Pegadaian which refers to the circular letter is contrary to the applicable law because the decision does not include the rights of the resigned employee, Namely Article 156 paragraph 4 letter c which states about housing replacement and treatment and Treatment is set at 15% (fifteen percent) of the severance pay and service pay for those who meet the requirements, and by itself, the Decree of the Board of Directors of Perum Pegadaian regarding the dismissal of the employee is null and void and must be revised so that the decision is not legally flawed and can be implemented. following applicable statutory procedures.

Conclusion

Based on the explanations in the previous chapters, the researcher would like to conclude the answers to the problems in this thesis, namely:

- 1) The researcher concludes that in the matter regarding the substance of legal protection of workers' rights related to the termination of employment due to resignation in Article 162 paragraph (1), it is correlated with

Article 156 paragraph (4) letter c of Law 13 of 2003 concerning Manpower regarding replacement housing as well as treatment and care are set at 15% (fifteen percent) of the severance pay and/or gratuity for years of service, that is, the formulation is still incomplete and broad (comprehensive), thus creating legal uncertainty (unpredictable).

- 2) The researcher has a conclusion regarding the second problem in this thesis regarding the role of government officials in issuing implementing regulations, which are contrary to the applicable laws and regulations so that the implementing regulations should be null and void and/or canceled.
- 3) The conclusion for the third problem is that there are differences in legal culture in the three companies that are the object of research as a consequence of the inconsistent actions of regulators in issuing and implementing regulations relating to legal protection of the rights of resigning workers.

Suggestion

The suggestions that researchers want to give in this thesis are to provide a solution to the existing problems, namely:

- 1) Legislators should be able to revise the provisions on legal protection for workers' rights due to resignation and it is hoped that in the future it can be more complete and comprehensive in terms of making a rule, especially in important fields such as the employment sector so that it is hoped that this will not happen. again the ambiguity of norms, so that industrial relations disputes can be avoided and with due observance of the regulators in the formulation of legislation, it is hoped to create a conducive climate in the employment sector, because the law must meet the element of Predictability, which requires that the law can bring legal certainty. So that it can be correlated with the investment sector, it will provide a positive value for the arrival of both domestic and foreign investors.
- 2) As for suggestions from researchers regarding the second problem, namely the role of the government apparatus (structure) should provide a positive nuance and act wisely in responding to the ambiguity of norms related to the termination of employment due to resignation, and not using the ambiguity of the norm as an opportunity to gain benefits for the community. themselves and their groups, and it is also hoped that the implementing regulations made by the apparatus will create a fair climate regarding equal treatment to all parties related to industrial relations.
- 3) My suggestion is related to the third problem, namely the legal culture of several companies, which are already good in providing legal protection for the rights of resigning workers despite frequent changes to the implementing regulations, but these companies have policy standards that provide benefits for workers and not affected by the gray area that has been created by the government, because of changes and implementing instructions in dealing with resigned workers, as well as companies that can also create a harmonious climate in industrial relations, related to legal protection of workers' rights those who resign, including the General Pawnshop Company, can follow in the footsteps of the company based on the implementing instructions of Law 13 of 2003 concerning Manpower.

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