

**LEGAL EFFORTS FOR WORKERS WHO ARE EXPERIENCED WITH
TERMINATION OF EMPLOYMENT DUE TO COVID-19****Arfiani Dena Pangestu¹, Elystiana Freda Cahyani², Sholahuddin Al-Fatih³**

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Abstract

Covid-19 or called the Corona Virus, is a new virus that attacks the body's immune system in humans. This virus attacks the breathing namely the lungs causing death. This virus does not look at anyone who is hit, but all people can be attacked by this virus. Covid-19 or Corona is a virus that is very dangerous and deadly thousands of people to tens of millions of people died. Covid-19 is very impacting on the community, especially the company's employees, one of which is the Termination of Employment (Pemutusan Hubungan Kerja/PHK). PHK in a company can occur when a company that goes bankrupt until unable to meet the salaries of its employees. In addition, some others are not affected by layoffs but are laid off without getting a salary. Thousands of workers are scattered in several major cities in Indonesia.

Keywords: *Covid-19; Legal Efforts; Termination of Employment*

INTRODUCTION

Covid-19 or what we call the Corona Virus disease is new, caused by a type of coronavirus. Covid-19 is a new virus whose transmission is very fast and is a disease that is unknown to anyone before. More than 200 countries in the world are currently infected with the Corona Virus. The infection from Covid-19 is generally a

disease that is classified as mild and commonly experienced by humans, especially in children and young adults. But since the advent of Covid-19, this infection can cause disease are serious and require special care for those living with the virus. That way, the worry that everyone feels about the impact of Covid-19 on themselves is natural. Covid-19

outbreaks first came from The State of China, precisely in the city of Wuhan. This virus began to attack the citizens of Wuhan in late December 2019, and then spread to other countries including Indonesia in February 2020. Starting from an infected woman, a 31-year-old woman from Indonesia, who works as a dance teacher. This woman dances with her friend who is a Foreign Citizen (foreigner) from Japan. Then the distance of two days after they danced, this 31-year-old woman was sick of coughing and shortness of breath, after being examined it turned out that this woman was positively affected by the Corona virus.

Of course it is not calm if the news hears that more and more Indonesian Citizens (Co-citizens) are positive Covid-19. Do not know for sure what caused the outbreak Covid-19 is very fast in the transmission of his. According to one study, pe contagious than the virus is usually through splash water originating from the respiratory tract of man, and can't be transmitted through the air. This virus can be transmitted through the mucus (droplet) of Covid-19 positive humans who spray onto negative Covid-19 humans. The mucus splashed when positive humans Covid-19 was sneezing, coughing that the water sprayed on other people who were

negative. And can also be transmitted through objects that have been splashed out of positive people Covid-19. Until now, especially scientists have not found a vaccine or drug to fight, prevent and treat this Covid-19 virus (S Syafrida, 2020). Even so, there are still many ways to avoid the spread of this virus, namely by washing hands frequently, avoiding direct contact with sufferers, wearing masks when traveling, staying at home, and always keeping a distance from anyone. By keeping a distance and also not leaving the house if it is not important, its function is to limit and also anticipate that Covid-19 is not widely spread. President Jokowi has set Work From Home Activities, Large Scale Social Restrictions (Pembatasan Sosial Berskala Besar/PSBB) and social distance for the safety of this country.

Despite optimizing all businesses, starting from wearing masks, not leaving the house, not going home and also WFH, there are still many Indonesian citizens who do not obey the appeal of the government so that more and more positive affected by Covid-19. Indonesia is a country with a dense population, if the Covid-19 pandemic is increasingly bulging, then it is clearly influential on the economic system. Business and shop owners deliberately closed their stores

because of the dangers of Covid-19. The closure of shops and businesses has caused a lot of losses that also impacted millions of dollars in the economic sector (AK Pakpahan, 2020). The impact of the pandemic c Covid-19 is very much experienced by the people of his specialty in Indonesia , one of which impact on the dismissal of the employees who are not guilty of it, the employees of the company or related to the world of industry by reason of force majeure or experience loss (IN Juaningsih, 2020). The sluggish industry caused companies to be forced to make efficiency so as not to suffer greater losses. Employee housing is impromptu, especially in Java. With the dismissal of these employees determine the termination round in which they do not receive salary and daily income. The termination meant here is that they no longer have money for living expenses and pay for some of their needs (Kurniawansyah *et al.*, 2020). With that, the government and companies make every effort so that the number of layoff victims does not reappear.

One of the policies of a company that is very difficult for workers is about the Termination of Employment (PHK). Layoffs are one of the activities that are feared by workers who are still active in their work. The existence of the Covid-19

pandemic has made the economic conditions in the world, especially in Indonesia, become chaotic until suspended animation, which then has an impact on the number of industries that must close down and of course makes companies do employee housing which is done instantly (Silpa Hanoatubun, 2020). The existence of cases of unplanned layoffs in the industrial world due to the emergence of the Covid-19 pandemic requires protection and fulfilment of the rights of workers who are terminated in order to continue to achieve social welfare. Because the impact of layoffs is very hampering one's social functioning if not handled properly. The impact on the economic, psychological, and social of a worker greatly affects the quality of his life after receiving a layoff. Apart from the impact on himself, layoffs can also affect the conditions of the worker's family. This makes people worried and even their lives are not calm because they think about what if they really lost their jobs. But how else, the decision to lay off what was taken and chosen by this company was the final step, because the company also suffered losses.

Realizing this case actually the company was reluctant to take the Layoff Step, because the company spent a lot of cost, time and energy training for

employees before actually being accepted in the company (Hadiwardoyo, 2020). There is also a good side in laying off these employees, which is to prevent the greater spread of Covid-19. Then allow PHK will still occur, despite employment termination causes damage.

PHK cannot be done just like that by a company, this is because layoffs have been regulated by law so that it presents a risk for companies to use many considerations in laying off their employees (Sonhaji, 2019). The regulation on this matter is Law No. 13 of 2003 concerning Manpower. Stating that in undergoing termination of employment, the parties concerned, namely employers and workers/laborers must really know matters relating to layoffs, so they can get their rights after being laid off. In connection with the existence of Covid-19 which has an impact on layoffs that are very complex and tend to cause disputes, the mechanism of layoff procedures is regulated in such a way so that workers/laborers get proper protection and obtain their rights in accordance with existing provisions.

Seeing that the case of employees who were laid off during the Pandemic Covid-19 case raises questions about; what

is the legal protection of the rights of workers who have been laid off due to Covid-19? And also what is the government's effort to help the community of people who are experiencing layoffs due to Covid-19?

METHOD

The most suitable and accurate method to study this research is the normative juridical method. Soerjono Soekanto argues that the normative juridical method is legal research conducted by examining literature material or secondary data as a basic material to be investigated by conducting a search of regulations and literature relating to the problem under study (Soekanto and Mamudji, 2001). Normative research uses legal material which includes letters, books, laws, and official documents issued by government officials (Soekanto and Mamudji, 2001). Techniques for analysing using interpretation systems in the technical analysis of legal materials, such as grammatical interpretations, and systematic interpretations. As a normative juridical research the study materials used in the form of Law No. 13/2003 on Manpower, journals and scientific articles that provide insight and understanding in supporting the discussion.

ANALYSIS AND DISCUSSION

Legal Protection of the Rights of Workers Who Have Layoffs Due to Covid-19

One way to reduce the number of positive numbers Covid-19 we must do social distancing and not leave the house for activities that are not very important. People are allowed to leave the house if there are conditions that are very urgent and important. Social distancing is indeed quite strange and includes a burden for all people. They are used to a normal life where face to face, shaking hands and mingling with one another. However, since the emergence of the Covid-19 outbreak, community activities have been severely restricted and severely restrained to inevitably stay at home in order to maintain health so as not to be exposed to the Covid-19 virus.

Restrictions on interactions with other humans clearly have a big impact on trade, shipping, tourism, film, restaurants (dine-in), and several other companies. Many offices, factories and even companies that lay off workers or laborers here. For example, in film, they inevitably must stop producing a film. Though the film has been worked on or has been done half the duration of the broadcast time. How sad they are, they are very lost, in vain in working on the film. The film does not go live,

and the film production must also pay stars or film actors and pay the film production crew. Besides the tourism factor was also initially the biggest income factor, because if it relates to tourism then the hotel and transportation become one of the related factors. The concern of transportation was due to the fleet having no income at all. The fleet that usually transports many times a day, is now just silent and helpless seeing the conditions that are very bad at the time. It is clear that the transportation fleet has lost hundreds of millions to billions of rupiah in the last three months since the Covid-19 outbreak. Because there is a rule that transportation cannot run at all. Like it or not, they must spend most of their employees because there is no income to pay. These employees are given severance pay and some are dismissed empty-handed or without severance pay.

The government is very disciplined and cautious in handling this Covid-19 case. The government and companies are aware of the weak status of employees under the company. With the weak social status, employees and laborers really need legal protection (Maringan, 2015). The dilemma in this case the workers are wondering about protection of the rights of workers/laborers one of the money severance given sufficient entrepreneur or not. If the

gift has provided severance pay in accordance with statutory regulations, there will be no chaos and commotion. Workers' concerns are not only about severance pay. They worry about How The n a life for the next several months, whether they are eligible to do the work or forcibly laid off and were laid off.

If the shadows of the workers become real then they certainly do not have jobs anymore, then the workers will be diligent in financing the necessities of life. What is really troubled by the workers is that they are afraid that at any time they will lose their livelihood (A Hanfan, 2010). However, the increasing rate of spread of Covid-19 forced employers to choose the last option namely layoffs because there were no funds in and no more funds were used to pay salaries or benefits to employees.

Increasing the number of people who do not have a higher job can cause a lot of bad possibilities if not handled in the right way. If you look at the worst possible with improper handling of the level of responsibility that is high can caused poverty increasingly and can lead to all sectors can't be moved, with poverty increasing and the lack of jobs could arise other problems y an g larger, i.e. hunger (Nurdin, 2020). A new case worse than the danger of the Covid-19

virus is the large number of people who cannot eat. If the economy goes like this, so many people will die of starvation. Hunger is caused by the inability of a person to meet his food needs caused by the poverty mentioned earlier. Hunger if not handled properly can lead to new, more serious problems, namely looting and crime. Looting and crime occur when there is no other way a person can do to meet their needs to stay alive.

Things that can lead to criminal action due to lack of employment opportunities as a result of layoffs since the pandemic Covid-19 can not be ignored simply because there is a possibility that it happens if the handling is done from the outset has been missteps. Therefore, the role, efforts and policies of the government are expected by all the people of Indonesia, not only workers who are affected by this Covid-19 pandemic. The number of PHK is very high, which is above 80% or around 1 %, 2 million people. Of this amount more than 80 % are laid off, and 10% are laid off. Many workers complain about the PHK, because all workers have lost their livelihoods. Many people can't eat at Pandemic c Covid-19, all businesses also stopped completely (Qandi and Rakhmawati, 2020).

So here a lot of workers are

demanding severance result of pandemic Covid-19, the workers demanded the Legal Protection to provide severance pay on layoff impromptu by companies that avoid poverty and death from starvation due to lack of income derived from layoff victims which is the impact of the Covid-19 pandemic. In this case the government perform some actions taken in managing the situation, which is the government released a policy of Pre-Work Card. This card is intended for workers or workers who have been laid off or laid off, as well as for unemployed people and formal education graduates who have yet to get a job. Pre-work card this initial agreement is only \$10 trillion, but when Pandemic of Covid-19 happens to ride twice as many as previously.

When this pandemic happened, the community clearly had no preparation to deal with the impact that occurred after being laid off, they felt shocked and unexpected. But to reduce this case the government gave a financial allowance of IDR 600,000 for about four months (Silpa Hanoatubun, 2020). That requires legal protection in situations like this:

a. To protect employees who are still working, the government must take responsibility by issuing statutory regulations, namely workers in article 155 of Law no.

13 of 2003 concerning Employment.

b. After the employees have been laid off, the former employee still gets his rights, in the form of:

a) Salary, wages and costs borne by the office

b) Various facilities and allowances

c) Guaranteed protection and personal safety and interests while working (K Kosidin, 1999).

Policy in Article 156 (1) of Law no. 13 / 2003 states that d natural event of termination of employment, the employer is obliged to pay severance or gratuity and compensation pay for entitlements that should be accepted.

To lay off or lay off workers in Law No. 13/ 2003 on Manpower, there are many factors that influence namely; resignation because of own resignation since has entered the age of advanced, workers have made a big mistake, workers were detained by the authorities, the company was experiencing losses, workers who inadvertently breach, workers who have died . While discussed here focus on layoffs in the pandemic Covid-19, that the company suffered losses and had to lay off employees or workers. Thus, in overcoming this serious problem between the company and workers must consult on the termination of this work rights. Especially this is the duty of

the Government which must be responsible in protecting the welfare of the people, because the welfare of the people touches on human rights where there is an influence on the needs of human life (Juaningsih, Consuello and Tarmidzi, 2020). The role of the government to save the economy of its people is to provide funds originating from Mr. President's assistance specifically given to the citizens of Indonesia, then there are also village funds that help the villagers a little in dealing with the current economic downtime, the government is also loosening a little in credit payments and also relief in paying electricity to PLN (Setiati and MK Azwar, 2020).

Government's Efforts in Helping the Economy of Communities Affected by Layoffs Due to Covid-19

Pandemic Covid-19 is increasingly coming here increasingly making threats that disrupt the stability of countries in the world. Indonesia is considered to have a significant impact because of the large number of people who have been affected. This can cause serious problems experienced in almost every area of life (Alvianis and Purnomo, 2020). The government readily limits mobility and interaction between people or known as social distancing, this is done because of the increasingly

widespread and rapid spread of Covid-19. Effect did these restrictions is to make schools were closed, offices and p upset closed, the restaurant only receive food and drinks brought home (take away), limiting the space for communities and many more. With the implementation of social distancing actually can save many lives because it does not come into direct contact with others, this is evident because of a decrease in transmission rates in the community after social distancing. But there were also negative things perceived, that one of them makes torpor world's economy, especially in Indonesia, which ended up making millions of people out of work it up to become a victim of the company in the presence of Termination (PHK) given to employees who work (Mohamad Anwar, 2020).

Since the existence of the Covid-19 pandemic, there have been several companies that have experienced huge profits, for example health products such as masks and hand sanitizers. By looking at what business opportunities can be done in this pandemic, these companies can get huge profits. For people who have the capital and relationships that quite a lot, they can open a business in the field of health and hygiene environment today can promise a very big advantage. In addition, the community can open new jobs so that it can help the

government in reducing the number of unemployed (SN Rohmah, 2020). But, of course not everyone can set up a business because of limited capital and several other factors. But still many companies were harmed by this pandemic to close their efforts to prevent wider transmission to the community so that it suffered a substantial loss. Many factories, shops, and others are forced to close their businesses because many people prefer to stay at home so that no one goes out to buy products from them.

Big losses, of course, experienced by the sector per world economy, especially in Indonesia. There are 2 levels in the industrial field, namely medium level and high level. The first level is the medium level, such as film industry. In recent years, the film industry is experiencing a positive spike. But as a result of the existence of the Covid-19 pandemic, film production was stopped for an indefinite time. This makes the workers in the cinema experience substantial losses. The second level is the high level industry found in manufacturing and gourmand companies (Oktafia and AR Hidayat, 2018). Company manufactures are forced to lower the production lot of its due to fewer buyers which is a result of the enactment of the current pandemic social distancing Covid-19. Whereas the gourmand industry, to reduce the spread of

Covid-19, they imposed a work system on employees by reducing work density by two work weeks and two vacation days. This impact on pe descending its production so that companies are forced to make cuts of employees by providing a letter of dismissal to employees due to large losses in production quantities. The fact gives a picture of how much public revenue opportunities from normal routine before a pandemic that later today become paralyzed. To cope with the difficult situation experienced by some people who are very affected at this time, then sec fig government auto obliged to reduce the burden on the public to make ends meet, at least through the subsidy program in some other important aspects, such as subsidized fuel, electricity, cheap food and others.

In Law No. 13/2003 Art 151 (1) of the Employment states that Employers, workers/labor unions, and the government must make all efforts in order to prevent termination of employment. If all efforts have been made, but layoffs cannot be avoided, then layoffs must be negotiated by employers and trade unions/laborers or by workers/laborers, if the worker/labors concerned is not a member of the trade/labor union, then the government is in a Pandemic situation c Covid-19 asking employers to not doing layoffs on employees,

especially in the field of vulnerable affected than the pandemic c Covid-19 (Prajnaparamitha and Ridwanul Ghoni, 2020). In handling this pandemic the Government of the Republic of Indonesia has taken several steps and efforts in handling Covid-19 from the social, economic, health and various other sectors. As a result of the many people who are hit by layoffs because of the Pandemic Covid-19, the government provides some convenience to help citizen idle as a result of Termination of Employment (PHK) amid the pandemic Covid-19, among others:

1. Family Hope Program (Program Keluarga Harapan/PKH). This program existed before the emergence of the pandemic c Covid-19. Citizen the underprivileged that his data has been recorded as a routine of government aid recipients are eligible to receive assistance from this program.

2. Non Cash of Food Giving (Bantuan Pangan Non Tunai/BPNT). Help is also now before the emergence of the pandemic c Covid-19, and the data of people who are less able to have registered as recipients of regular assistance from the government every month.

3. Social Charity (Bantuan Sosial/Bansos) from the President. The target is Indonesian Citizens (WNI) whose data have not been recorded as PKH and BPNT

beneficiaries.

4. Village Funds in accordance with the Minister of Village Regulation The village government can reallocate the Village Fund budget, one of which is specifically for the handling of Covid-19.

5. Social Charity from Ministry of Social, by providing basic charity IDR 600,000/month in every family, counted during the four months ahead starting in April.

6. Pre-Employment Card. This card is given to people affected by PHK, unemployment and for those who have just graduated from formal education.

7. Charity from the Provincial Government. By providing Bansos Rp.500.000 with 2/3 in the form of groceries and a third in the form cash money to the affected community Covid-19.

8. Charity from the City/Regency Government. If there are residents who are not registered in the recipient of assistance from the Provincial Government, the City Government / Regency Government can directly provide help to residents in need.

9. Charity for Citizens who do not have a place to live from the Provincial Government. Humanity movement by gives some food or rice packets to scavengers or beggars who really -Right homeless (Mardiyah, 2020).

In addition, there are also policies from the government to reduce the burden on the affected communities from Covid-19, especially for people who have lost their income due to layoffs. Some of them are allowances paid credit of p he Government to make allowances for groups of micro, small, and medium enterprises, motorcycle taxi and taxi drivers in the form of extended credit to pay for one year from the month of March 2020 to March 2021. Then the Subsidy electricity from the government to provide policy dispensation PLN electricity costs to customers in the middle of this pandemic. This relief applies to paid customers and those who use tokens, in the form of free electricity with a voltage of 450 V and a 50% discount for customers with 900 V electricity voltage. This policy is given by the government specifically for the poor, and can be valid for 3 months from April 2020 (Mardiyah, 2020).

Given some of the assistance given by the government to the communities severely affected due to the pandemic Covid-19, it hope can reduce the burden on society that is affected and can meet the needs of the community in order to be fulfilled even though there are its restrictions makes people can't do activities everyday as usual (Joharudin, Septiadi and Maharani, 2020). In addition, the Indonesian people were

also asked to follow and obey all government directives in order to be able to restore the situation as before.

CONCLUSION

The impact that occurred in the Covid-19 case was very disturbing to the community, they lost a lot of work. Even the unemployment rate that occurred in our country in the last five years has been increasing and increasing. All felt losses and hardships, but with the help of funding from the government at least has lightened a little burden borne by the people who are disruptive and people who can't afford.

Since the existence of the Covid-19 pandemic, the world economy, especially in Indonesia, has become chaotic. To prevent transmission of the wider society, many companies are forced to close down, that it makes millions of people kehilangan work and become victims of layoffs. In this case the Government of the Republic of Indonesia has taken many steps and efforts in handling Covid-19 both from the economic sector, the health sector, and various other sectors. As a result of the many people who were laid off because of the Pandemic Covid-19, the government provides some facilities to help people who are unemployed due to termination of employment amid the Covid-19 pandemic.

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