

LEGAL REVIEW OF THE IMPLEMENTATION OF TERMINATION OF EMPLOYMENT RELATIONSHIP WITH THE REASON OF THE PANDEMIC COVID-19

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Abstract

The research entitled Legal Study of the Implementation of Termination of Employment for the Reason of the Covid-19 Pandemic aims first to analyze how the norms and provisions of laws and regulations are applied related to the implementation of termination of employment in Indonesia and find out how legal protection is for workers who experience termination of employment. During the current Covid-19 pandemic. The research method used in this study uses a normative juridical research method with a statutory and conceptual approach. Based on the results of the research, it can be concluded First: the legal basis for employers in carrying out mass termination of employment relations with workers/laborers during the current Covid-19 pandemic for the first time referred to the provisions of Article 164 paragraph (1) of the Manpower Law which became the basis for the existence of emergency due to an unwanted cause then proceed with the implementation of Article 151 of the Manpower Law which regulates the process of terminating workers. Second, namely, the legal protection provided by the State for workers due to termination of employment due to the current Covid-19 pandemic first must provide workers' rights as in Article 156 of the Labor Law and, in the current period, must pay attention to the provisions in the Minister of Manpower Circular Letter Number M/3/HK.04/III/2020 concerning Worker/Labor Protection and Business Continuity in the Context of Prevention and Mitigation Covid-19 and Article 6 of the Quarantine Law and Health.

Keywords: Covid-19; Work Termination; Legal Protection.

A. INTRODUCTION

The COVID-19 pandemic has not only had an impact on the health sector but has also had an impact on the economic sector. Many producers experienced a decreased income, which impacted their ability to carry out their business activities. Restrictions on export-import activities, declining market demand, and Large-Scale Social Restrictions (PSBB) have resulted in income failing to meet the target of

achieving the employer. However, the responsibilities of the employer are directly proportional to the existing conditions. . As for what happened, regardless of the income earned by the entrepreneur and experienced by the company and/or the entrepreneur is not a reason to renege on the agreement between the entrepreneur and the worker regarding the wages that are his right.

Ironically, because of these circumstances, many companies are at

stake a lot more than is at stake and have decided to reduce the number of expenses by cutting the number of existing workers. Cutting the number of workers is carried out to minimize the burden borne when income is below the achievement target so that the company can continue to run and carry out its business activities. Over time, the obligations carried out by employers in terms of providing wages for workers become very burdensome to the circulation of money in their business activities. Hence, a feeling of inability to continue these business activities arises. Companies and employers are finally reluctant to close their businesses, so they are forced to lay off their workers on a large scale or en masse.

The termination of employment for these workers automatically results in clear termination of employment due to the background of the small income earned and the significant expenditure that must be incurred. As a result, few workers feel aggrieved due to the termination of employment, experiencing confusion about how to meet their daily needs when they no longer have a job and a steady income, such as when they still have a job. Therefore, many demonstrations are unavoidable. Those affected by mass termination of employment (PHK) demand responsibility from their employers for the future of their livelihoods, given the difficulty of getting new jobs amid the current conditions of the Covid-19 pandemic in Indonesia. Therefore, this study will analyze whether it is true that an outbreak of disease or a pandemic can

be a reason for companies and employers to lay off workers in bulk. While so far, there is no known statutory provision stating that this reason can be justified for carrying out mass termination of employment, in addition to that, the provisions in the 1945 Constitution and Law Number 39 of 1999 concerning Human Rights have stated that every citizen has the right to for decent work and livelihood so that the occurrence of this mass termination of employment raises questions about the fulfillment of this right. This study aims to review the form of protection the state provides to workers who are victims of this mass termination of employment. Profession. Based on the description above, this study will analyze the application of norms and statutory provisions related to the implementation of termination of employment in Indonesia, as well as determine the legal protection for workers who experience termination of employment during the Covid-19 pandemic.

B. Research Method

The type of research used in this study is normative juridical by using a Legal Approach and a Conceptual Approach. The legal materials used consist of primary legal materials and secondary legal materials. Legal materials were collected by studying and reviewing laws and regulations and literature related to the material discussed in this study. The analysis of legal materials used is descriptive-analytic, which is based on solving research problems and analyzing written provisions in the form of

principles and theories. Therefore, the analysis is presented descriptively, and the research results aim to obtain a comprehensive but systematic picture, especially regarding the problems discussed in this study.

C. ANALYSIS AND DISCUSSION

1. Legal Protection For Workers During The Covid-19 Pandemic Who Are Experienced Termination Of Employment

The Coronavirus is currently an outbreak of an eligible disease whose cause is a virus that focuses on the respiratory tract. This disease was first identified for its existence or appearance in Wuhan, China. As is currently known, the virus can also be called SARS-Cov, which is not a new type of virus, but it is scientifically explained in it that the virus mutates and forms new genetic material or is called a fixed virus.

One type of virus that generally changes variants is the basis for giving the name corona because this virus called corona has a close genetic relationship with the viruses that cause SARS and MERS. It is known that the DNA of the SARS-Cov virus is similar to that of bats. It is also believed that the virus emerged from a market in Wuhan, where many Asian exotic animals of various types were sold. Even to maintain their natural freshness, some are slaughtered and then directly marketed to buy fresh. "Then this market is considered a breeding ground

for viruses because of the proximity of the intensity and interaction between animals and humans."¹

Since March 2020, the Government of Indonesia has stated that it will issue several policies to tackle this outbreak because it has spread to the Indonesian nation. One of these policies is issuing regulations related to large-scale social restrictions. In this regulation, what is called PSBB is an act of minimizing the activities of citizens or communities in a particular area infected with the Covid-19 virus. Then the regional government can also apply PP PSBB to suppress the spread of this virus, namely by obtaining permission or direct permission from the Minister regarding this matter.

It is known that the impact of PP PSBB, which has an impact on the existence of real restrictions in the community related to activities that are usually carried out, dramatically impacts the wheels of the economy of an area that is paralyzed by mobility. Goods and services are affected by these restrictions. Given that these restrictions have also caused the economy to be paralyzed, one of the consequences is many layoffs.

2. The Essence of Legal Relations Between Employers and Workers

Work relationships that were previously based on orders from superiors or employers so that workers or laborers receive wages regardless of the status of the relationship suddenly stopped due to the conditions of the Covid

¹ Ferry Sandi, "Pemerintah Klaim Baru 2.1 Juta Pekerja Kena PHK-Dirumahkan," 2021, <https://www.cnbcindonesia.com>.

pandemic, which forced employers and/or employers to take steps to terminate employment relations because “several employers stated that the reason for the termination of employment is for further settlement.”²

Excess anxiety always overshadows the circumstances that cause workers or laborers at this time. The existence and facts led to the economic crisis. Under these conditions, many business sectors in Indonesia were forced to reschedule. One way is to reduce the number of workers with the excuse of recovery after recovery. The reduction in question is none other than the employment relationship. The author then explores the application of legal rules regarding termination of employment caused by current conditions that hit the whole world, including Indonesia, to become material for analysis in this discussion.

Relationships with real impacts regarding the end of employment relationships which are currently busy and massive, tend to cause problems between workers and employers. The state must play a role in overcoming this problem. We view this termination of employment from a different point of view, namely from the employer's or employer's point of view that different terms of employment do not directly affect recovery while looking at it from the employee's point of view if there is the termination of employment, then there is no longer a source of closure that can be all this time the worker is expected to

² Asri Wijayanti, “Hukum Ketenagakerjaan Pasca Reformasi,” in *Sinar Grafika*, ed. S H / Asri Wijayanti and M H Editor (Jakarta, 2017).

provide a living for his family. In such circumstances, justice must be presented by the state in the form of legal protection and fulfillment of rights in order to obtain equal rights.

Not only to get a good life but also to get a comfortable life, life insurance, or legal protection, even among workers who no longer have a job, in this case, are in a position that tends to be disadvantaged or weak. However, not a few workers, after experiencing the bitter reality of being laid off, then ask and/or sue their employers or employers to pay for their workers' rights so far. This type of work must be expected by other workers so that rights matters can run in balance and there is no dominant position in owning any business.

In Indonesia, a relationship that regulates orders from employers or employers to workers or laborers is called industrial relations. Regardless of the field, the important thing is that orders and wages are received. To tie me up, Similar to agreements, industrial relations also contain reciprocal relationships that give each other rights and obligations. “Therefore industrial relations are analogous to legal relations, which are the same as legal relations as befits an agreement.”³

Of course, in industrial relations, one must be bound to one another to give achievements. If one party does not carry out its obligations, the other party can file a lawsuit and be entitled to legal protection. Specifically, regarding

³ Zainal Asikin, “Dasar-Dasar Hukum Perburuhan,” *PT Rajagrafindo Persada*, no. July (2012).

industrial relations, the current arrangements are “regulated through the Manpower Act, and regarding administrative matters are regulated in the Industrial Relations Dispute Settlement Law.”⁴

Once again, it is emphasized that the pattern of legal relations in industrial relations has unique characteristics and is different from the legal relations stipulated in the Civil Code. Legal relations in industrial relations or employment relations can occur due to written or unwritten agreements. Apart from that, Manpower Law also recognizes and regulates the existence of a written employment relationship carried out with a work agreement for a particular time. If the worker does not specify the time, then for the sake of the law, his legal position is. that a legal relationship is a work agreement with time. Who cannot be determined or usually as permanent employees. Then what if faced with the existence of freelance daily workers or have completed specific jobs?

In this case, it still refers to the essence of the working relationship as stated in Article 1 number 16 of the Manpower Act, which in essence, emphasizes that a working relationship which can also be interpreted as industrial relations, is a system of relations formed between actors in a process or procedure for the production of goods or services consisting of employers, workers and the government “which are based on the values of

Pancasila and the 1945 Constitution.”⁵ It can be interpreted that industrial relations are a legal relationship in which, if prosecuted, the elements are private. However, referring to the meaning referred to in the article above, this relationship is broader because it is attached to the role of the government—this relationship.

The meaning of the government's presence in work relations and/or industrial relations can be interpreted as an instrument that, if a dispute occurs, the role of the government must be able to provide legal protection. 40 The philosophical basis for applying this provision is that legal relations between employers and workers are generally unequal. This is because employers have a higher bargaining position than workers in this relationship, so if a dispute occurs, the government is expected to provide legal protection for workers.

In connection with this philosophical root, as in applying scientific disciplines in other branches of law, namely bankruptcy law in Indonesia, the position of workers and/or laborers when an individual or legal entity is declared bankrupt has the highest position and position compared to other legal obligations—and aligned with the tax liability in debt. This concept, at the same time, shows how important and valued the position and position of workers who have legal relations with

⁴ M Thaib and Ramon Nofrial, “Penyelesaian Perselisihan Hubungan IndustriL,” in 978-623-02-0335-0 (Jakarta : Deepublish, 2019).

⁵ Pemerintah Indonesia, “Uud 1945” 105, no. 3 (1945): 129–33.

employers so that it involves the role of the State in terms of legal protection.

3. The Concept of Termination of Employment Based on Positive Law in Indonesia

The shadow of termination of employment is already haunting the workers' eyes because preliminary data shows a decline in the level of the economy, social restrictions with the implementation of the PSBB to steps taken by employers to lay off workers and/or their workers. Worker. When examined in depth about the reasons for layoffs and/or until termination of employment occurs, these employers believe that because the company's revenue continues to decline, there is no other choice but to reduce the number of workers.

The current situation, if you look at the basic regulations relating to termination of employment as stipulated in the provisions of Article 164 paragraph (1), The Manpower Law explains that "employers can terminate employment relations with workers because the company closes because the company has suffered continuous losses for 2 (two) years or force majeure has occurred". Whereas based on the provisions of Article 164 paragraph (1) above, there is room for employers to be able to terminate employment based on 2 (two) reasons, namely, the entrepreneur has suffered continuous losses for 2 (two) consecutive years and due to coercion.

majeure has occurred. "The last reason, force majeure, is the basis for employers to terminate employment relations with workers." ⁶

In principle, a force majeure is a situation beyond a person's ability, which can be the basis for aborting an obligation. The existence of unexpected circumstances, or what is commonly called force majeure, is generally interpreted as a condition that arises or originates from nature so that humans are unable to prevent or withstand it.

The factual application of this reason in industrial relations can only be applied haphazardly with further study. In the process of ending the employment relationship must be careful. This is evidenced by the process and mechanism for resolving labor relations disputes which must be discussed in advance between employers and workers, which is called a bipartite process. If the process does not produce results, another process involves the Manpower Office, employers, and workers through a tripartite process. Suppose the process does not produce an agreement. In that case, the final process is a judge's decision through the Industrial Relations Court process. . All of the processes briefly described above are rooted in the provisions of Article 151 paragraph (1) of the Manpower Law, which essentially states that employers, workers, and their trade unions, as well as the government, must have the same mind that the choice to terminate the employment relationship is the last

⁶ Suhartoyo Suhartoyo, "Perlindungan Hukum Bagi Buruh Dalam Sistem Hukum Ketenagakerjaan Nasional," *Administrative Law*

and Governance Journal 2, no. 2 (2019), <https://doi.org/10.14710/alj.v2i2.326-336>.

resort. Therefore, the phrase coercive circumstances related to Article 164 paragraph (1) of the Manpower Law, according to the author, to achieve justice and legal certainty for workers must be tested through the Industrial Relations Court process.

However, we as a society based on the law in social life cannot only see an event from one side but must also look at it from the other side. Based on Manpower Law, the definition of termination of employment is very broad, not only looking at the entrepreneur's strengths. In this case, there are types or circumstances regarding the concept of termination of employment, namely : ⁷

1. Termination of Employment Relations by Employers;

As previously explained, the first sequence is the termination of employment by the employer, who, in this case, holds a dominant position in industrial relations. This is partly understandable because entrepreneurs are responsible for the running and effectiveness of the business they are involved in, and they also want to maintain as much power as possible in the company. The author believes that the existence of the covid pandemic has caused many workers to be sent home until the termination of employment is carried out, not because of the subjective will of the employer but because of the situation.

1. Termination of Employment Relations by Employees;

This type of termination of employment is an implementation of the theory that workers have the same status

as employers. However, other theories state that there is an imbalance of bargaining power. As independent human beings, workers have the right to terminate employment by resigning at the worker's will without prior notification to the boss/employer or even a dispute between the employer and the worker. Settlement Institution. The choice to terminate the employment relationship is inherent in every worker and cannot be prohibited by employers.

1. Worker Dies;

In contrast to the principle of an agreement and/or agreement where if one of the parties dies, then his rights can be transferred through heirs, then in industrial relations, this occurs because if a worker dies during his working period, then according to industrial relations the law of that relationship also will end between employer and worker.

1. Employees Entering Retirement Age

The retirement age in this industrial relationship is regulated not only in the written work agreement that underlies the legal relationship. Furthermore, the retirement age is also regulated by a body that organizes community social security specifically in the field of employment, namely an agency established by the Government. Able to provide welfare. Likewise, workers also set the retirement age. Entrepreneurs, in carrying out work ties with their workers, certainly expect the best performance and performance from these workers. Someone who works in any sector, whether public or private, is limited to doing specific jobs because basic human principles can age. Therefore, in industrial relations, it is stated that the end of an employment

⁷ Iman Soepomo, "Hukum Perburuhan Bidang Hubungan Kerja," vol. ix (Jakarta: Djambatan, 1975).

relationship is due to termination of employment, one of which is because the worker is entering retirement age.

Understanding the phenomenon currently being experienced in employment relationships which results in being unable to work due to this outbreak, there are rights and obligations between employers and needs that must be met and resolved if there is the termination of employment. Keep employers from feeling most entitled so that after the termination of employment ends, they ignore the rights of these workers. The essential thing regarding termination of employment is related to payment.

Paying is taboo to discuss in today's society in the context of work. Referring to Article 91 paragraph (1) of the Manpower Law, wage arrangements are determined based on an agreement between workers or unions. The Government has stipulated no conditions for exploitation at a lower level through the Regional Minimum Wage.

In fact, as a form of implementation of human resources that have standards to be able to employ someone, they act unilaterally by terminating employment for reasons of efficiency, which is very detrimental to workers, and even this action is inappropriate because it is more welfare for workers. The Stelsel adopted by the Indonesian nation in working relations refers to the principles of Pancasila and cooperation. It is no longer relevant that forced labor is applied in the joints of life today through work relations. Currently, the State facilitates the principle of a fair working relationship for all parties.

4. Legal Protection for Workers during the Covid-19 Pandemic Due to Termination of Employment

Discussing how to provide protection measures is separate from discussing how to provide rights that must be obtained and obligations that legal subjects must carry out. The legal protection in question is the legitimacy and guarantee provided by the norms and related to the basic principles of individual rights.

Providing protection has the function and purpose of providing proper fulfillment of human rights to prevent harmful actions. Getting a job is the right of every individual that must be respected and given the fulfillment of rights regarding legal relations. Discussing how to fulfill protection for workers affected by the termination of employment means "that there is a form of fulfillment for those who are elected in a rule of law or legislation as well as other efforts that accommodate if there are rights that are abused."⁸

The essence of fulfilling and protecting these individual rights, especially workers' rights, is a transition from human nature to rights according to positive Indonesian law. The principle of legal recognition and protection of workers' rights originates from the recognition and protection of human rights. So the essence of a right is the existence of a claim or lawsuit. A *lawsuit* is a legal remedy that can be

⁸ Rohendra Fathammubina, "Perlindungan Hukum Terhadap Pemutusan Hubungan Kerja

Sepihak Bagi Pekerja," *Jurnal Ilmiah Hukum DE'JURE* 3.1, no. Mm (2018).

taken if a right is violated. Based on the formulation of human rights, workers affected by the termination of employment during this pandemic must receive prosecution or legal protection.

One of the duties and functions of the state is to base rules and norms on every right and obligation of the state community in such a way that it is regulated and there is recognition of these rules. Then there are factors why protection or the urgency of fulfilling people's rights was chosen, namely:

1. "In various circumstances, individuals and legal entities depend on decisions made by the state's legitimacy. Citizens, legal entities, and security guarantees for that business world;
2. The relationship between the state and its citizens cannot run in a balanced position. Society as a weak entity when compared with a State;
3. Various problems between society and the state related to decisions, as instruments of the state which are unilateral in carrying out obligations towards people's lives."⁹

Based on this, it can be stated that efforts to protect are urgently needed to accommodate the rights of legal subjects to be accommodated, and there will be no deviation from the State against the interests of society.

Efforts to protect are intended as a manifestation through the legitimacy of individual subject rights and government regulations, implementation, and policies

issued by the government. This legal protection for every legal subject aims at realizing the law's objectives, namely justice, certainty, and expediency. The concept of legal protection is intended to start from a fundamental idea that the position of workers in the scope of employment relations is weaker compared to employers with a higher bargaining position. There needs to be special legal protection planned for workers long before there are consequences because the concept of legal protection is a preventive and repressive way.

In connection with the termination of the employment relationship carried out by the employer so that the workers experience the impact, if sued again, it is a kind of safeguard so that workers carry out work that is comfortable for them. The basic form of fulfilling the law for such workers is protection related to rights regarding time, energy, thoughts, and other rights according to religion and applicable regulations, which the government also recognizes. The existence of this obligation towards society and for means of protecting passion and high morals as well treatment according to current conditions.

Efforts to protect workers, in this case, are essential to protect the position of these workers who have a position under the employer. It is emphasized that efforts to protect the power of the authorities are "carried out if laws and

⁹ Ramlan Ramlan and Rizki Rahayu Fitri, "Perlindungan Hukum Bagi Tenaga Kerja Dari Tindakan Phk Perusahaan Dimasa Covid-19,"

Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh 8, no. 2 (2020), <https://doi.org/10.29103/sjp.v8i2.3067>.

regulations in the field of human resources that oblige or force employers to act as referred to in the regulation are implemented by the parties.”¹⁰

In simple terms, when examined further, protecting the interests of workers who have experienced the termination of their employment relationship even due to forceful circumstances due to this pandemic, namely:¹¹

1. Efforts to protect economically, namely the types of efforts made related to efforts to provide workers with a decent living and fulfill the interests of their lives and their families;
2. Efforts to protect the social layer, namely protected qualifications for workers related to efforts towards the society that aim to provide the possibility for these workers to understand and develop a better life as members of citizens and families;
3. Technical protection, namely unequal positions in employment relations and industrial relations in this employment relationship, is needed to obtain legal remedies to provide proper rights and other welfare. Starting from the three legal protections, if implemented into applications for workers, it can be interpreted as a means “to protect with existing regulations for workers who are intended for particular purposes, namely

aiming to provide legal protection.”¹²

The government, in this case, the state, is obliged to provide legal protection for wages and other rights for decent workers due to termination of employment. Likewise, employers as employers are obliged to obtain their rights to obtain work results from workers because of the creation of a harmonious working relationship. Adequate wage protection through laws and regulations in wages so that there is legal certainty, creating justice and fulfilling the benefit of all.

If the status of these workers is in the production sector, then it is appropriate for them to receive compensation or a living wage through a humanitarian approach. This is in line with the goals of development in the workforce, namely “carrying out national development as actors and the goals of development itself.”¹³ The existence of workers and their families is a priority for protection in the context of their dignity as human beings. The fundamental rights of workers and guarantees for employment opportunities and treatment without discrimination on any basis to realize workers’ welfare is a shared commitment.

As previously explained regarding the concept of industrial relations, which forces the Government to provide legal protection obligations, during the

¹⁰ Iman Soepomo, “Hukum Perburuhan Bidang Hubungan Kerja.”

¹¹ Philipus M Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia*, Bina Ilmu, 1987.

¹² Aloysius Uwiyono, “Asas-Asas Hukum Perburuhan,” 2014.

¹³ Ahmad Zaini, “Ahmad Zaini Pengaturan Pemutusan Hubungan Kerja (PHK) Menurut Peraturan Perundangan-Undangan Ketenagakerjaan,” *Al-Ahkam* 13, no. 1 (2017), <https://doi.org/10.37035/ajh.v13i1.1753>.

pandemic since the beginning of 2020 until now, there have been many problems related to the implementation of legal protection. In addition to what is meant by the Labor Law, during the pandemic, the Government, through the Ministry of Manpower and Transmigration, issued Circular Number M/3/HK.04/III/2020 concerning Worker/Labor Protection and Business Continuity in the Context of Prevention and Mitigation of Covid-19, namely carrying out efforts to protect the fulfillment of wages for workers related to the current pandemic, are carried out by taking into account the provisions ;

1. For workers categorized as Persons Under Monitoring (ODP) related to covid based on doctor's attendance so they cannot come to work for a maximum of 14 (fourteen) days, or according to Ministry of Health standards, the wages are paid in full.
2. According to a doctor's statement, workers categorized as suspected cases of Covid-19 and are quarantined/isolated, their wages are paid in full during the quarantine and/or isolation period.
3. For workers unable to work due to Covid illness and proven by a doctor's certificate, wages are paid following statutory regulations.
4. For companies that restrict business activities due to government policies in their respective regions for the prevention and control of COVID-19, which causes some or all of their workers to be absent from work, taking into account business continuity, changes in the number and method of payment of

workers' wages are carried out following the agreement. Between employers and workers.

Whereas based on the Circular Letter is intended to explain and instruct employers to pay attention to the conditions of these workers. However, this Circular depends on the condition of workers who are directly confirmed with the coronavirus. At the same time, the current problem is the global condition of entrepreneurs whose economy is declining, so their places of business suffer losses or even close. That is what happens a lot to cause termination of employment. The question is, is this Circular Letter able to address aspects of legal protection for workers or laborers during the current pandemic?

Considering that currently, the spread of the COVID-19 pandemic is difficult to control and Indonesia has not yet achieved herd immunity, it is appropriate for Indonesia to apply a state of emergency, as was the case with the PPKM Emergency recently. With the enactment of the state of emergency, Indonesia should be enacted laws and regulations that specifically regulate such matters. This situation has also been regulated through Law Number 6 of 2018 Regarding Health Quarantine (in the future referred to as the Health Quarantine Law). As stated in Article 1 point 1 of the Health Quarantine Law which at this point describes that health quarantine is one of the efforts to prevent diseases and/or epidemics that pose a health risk to the community and has the potential to cause an emergency in the community environment. the general

public that in addition to the understanding contained in the Health Quarantine Law, it is necessary to underline aspects of legal protection for people affected by this emergency without exception, namely workers who have experienced termination of employment.

Efforts to fulfill the rights implied in the provisions of the Health Quarantine Law are as meant in Article 6, emphasizing that the Government, in this case, the State, must be responsible for the availability of any necessary resources related to the implementation of health quarantine. Apart from the obligation to provide prevention against disease outbreaks in the community, the State, in this case, must also guarantee the availability of resources for the community during the implementation of the health quarantine. Suppose it is related to the termination of employment due to the covid outbreak. In that case, the provisions of Article 6 of the Health Quarantine Law can also be applied apart from the principal obligation, namely, to provide wage rights and pay attention to the Circular Letter of the Ministry of Manpower of the Republic of Indonesia.

The estuary of all legal protection rules as intended for workers who are affected by the termination of the employment relationship, namely the provisions of Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, confirms that all Indonesian citizens have equal rights to a job and a different life. Worthy. The provisions of Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia

at the same time confirm to related parties without exception with various conditions; however, it is mandatory to fulfill the right to work and a decent living for every citizen without exception including those affected by the current Covid-19 pandemic.

CONCLUSION

This study concludes that the legal basis for mass termination of employment due to the Covid-19 pandemic refers to the provisions referred to in Article 164 paragraph (1) of the Manpower Law whereby companies and/or employers have the option of terminating employment for one of the reasons: force majeure as well as the provisions of Article 151 of the Labor Law which states that termination of employment relations should be carried out by prior deliberation, bipartite settlement in a tripartite manner and if the three of them do not find a new meeting point can be resolved through the Industrial Relations Court. In addition, the legal protection given to workers who have terminated their employment relationship due to the current coronavirus outbreak is the provision of wage rights which must be given along with other rights as referred to in Article 156 of the Labor Law and the Labor Law. Due to the current coronavirus pandemic, employers must pay attention to the provisions in Circular Letter Number M/3/HK.04/III/2020 concerning Worker/Labor Protection and Business Continuity in the Context of Prevention and Control of Covid-19. 19, which essentially prohibits unilateral

termination of employment relations with workers and Article 6 of Law Number 6 of 2018 concerning Health Quarantine which provides for legal protection obligations from the State to its citizens affected by the Covid-19 virus.

Whereas regarding the problem of mass termination of employment experienced by workers during the current Covid-19 pandemic, the author can provide suggestions, namely :

1. Given that the legal basis enforced and applied by the State to the public, especially employers, to avoid termination of employment as far as possible is only an appeal, the authors suggest that regulations be made regarding regulations that can regulate and force employers to be able to provide workers' rights in fact;
2. The role of the State in protecting and providing welfare in society should be realized by providing direct assistance to employers who are forced to terminate their employment so that with the role of the State, it is hoped that there will be harmony in the Indonesian labor law system.;
3. The government should have issued a particular regulation, namely a Government Regulation instead of a Law (Perppu), to answer the problem of mass termination of employment, with the contents of the Perppu specifically regulating how to protect both moral and material for workers who are directly affected.

REFERENCE

- Asikin, Zainal. "Dasar-Dasar Hukum Perburuhan." *PT Rajagrafindo Persada*, no. July (2012).
- Fathammubina, Rohendra. "Perlindungan Hukum Terhadap Pemutusan Hubungan Kerja Sepihak Bagi Pekerja." *Jurnal Ilmiah Hukum DE'JURE* 3.1, no. Mm (2018).
- Hadjon, Philipus M. *Perlindungan Hukum Bagi Rakyat Di Indonesia*. Bina Ilmu, 1987.
- Iman Soepomo. "Hukum Perburuhan Bidang Hubungan Kerja," Vol. ix. Jakarta : Djambatan, 1975.
- Ramlan, Ramlan, and Rizki Rahayu Fitri. "PERLINDUNGAN HUKUM BAGI TENAGA KERJA DARI TINDAKAN PHK PERUSAHAAN DIMASA COVID-19." *Suloh:Jurnal Fakultas Hukum Universitas Malikussaleh* 8, no. 2 (2020).
<https://doi.org/10.29103/sjp.v8i2.3067>.
- Sandi, Ferry. "Pemerintah Klaim Baru 2.1 Juta Pekerja Kena PHK-Dirumahkan," 2021.
<https://www.cnbcindonesia.com>.
- Suhartoyo, Suhartoyo. "Perlindungan Hukum Bagi Buruh Dalam Sistem Hukum Ketenagakerjaan Nasional." *Administrative Law and Governance Journal* 2, no. 2 (2019).
<https://doi.org/10.14710/alj.v2i2.326-336>.
- Thaib, M, and Ramon Nofrial. "Penyelesaian Perselisihan Hubungan IndustriL." In 978-623-02-

0335-0. Jakarta : Deepublish, 2019.

Uwiyono, Aloysius. "Asas-Asas Hukum Perburuhan," 2014.

Wijayanti, Asri. "Hukum Ketenagakerjaan Pasca Reformasi." In *Sinar Grafika*, edited by S H / Asri Wijayanti and M H Editor. Jakarta, 2017.

Zaini, Ahmad. "Ahmad Zaini Pengaturan Pemutusan Hubungan Kerja (PHK) Menurut Peraturan Perundangan-Undangan Ketenagakerjaan." *Al-Ahkam* 13, no. 1 (2017). <https://doi.org/10.37035/ajh.v13i1.1753>.