
Legal Analysis On The Protection Of Employees On Actions Of Termination Of Employment Relations Due To Serious Violations

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ARTICLE INFO	ABSTRACT
<p>Keywords : Legal Protection, Employees, Termination of Employment.</p> <p>How To Cite : Okky., Junus, N., Nggilu, N. M. (2019). Legal Analysis On The Protection Of Employees On Actions Of Termination Of Employment Relations Due To Serious Violations <i>Estudiante Law Journal</i>. Vol. 1 (3): 685- 700</p> <p>DOI :</p>	<p>This study aims to determine the legal protection of employees who receive termination of employment without any legal process at PT. Karsa Utama Gorontalo City and to find out what the factors causing some employees at PT. Karsa Utama Gorontalo City was terminated without any legal process. The type of research in this thesis uses empirical legal research, which is supported by field data. Meanwhile, judging from its nature, it includes qualitative descriptive research. The data used are primary in the form of interviews and secondary data in the form of library research. The results of the study show legal protection for employees who receive termination of employment without any legal process at PT. Karsa Utama Gorontalo City has been regulated and confirmed in the Constitutional Court Decision No. 012/PUU-I/2003, which revoked the provisions of Article 158 of Law no. 13 of 2003 concerning Manpower, which is also confirmed by the issuance of the Circular Letter of the Minister of Manpower and Transmigration numbered SE-13/MEN/SJ-HK/1/2005 dated January 7, 2005. Where in point 3 letter a of the Ministerial Circular Letter it is stated that the layoffs are because workers commit Serious mistakes including theft (ex Article 158 paragraph (1) of Law No. 13 of 2003) can only be committed after a criminal decision has permanent legal force. The factors that cause so that some employees at PT. Karsa Utama Gorontalo City got termination of employment without any legal process,</p>

namely because it was based on the reason for a serious error committed by 10 employees of PT. Karsa Utama Gorontalo. It is also based on company regulations and work agreements that have been mutually agreed upon by all employees of PT. Karsa Utama. This step is an effort by the company to wipe out employee fraud and make employees at PT. Karsa Utama has a good attitude or behavior while working.

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INTRODUCTION

A. Background Behind Problem

There are many cases of termination of employment involving employers and workers in various companies. Although the termination of employment is a natural thing in the world of employment, its implementation requires time, money, and effort or thought. Therefore, termination of employment should be a last resort. That is why employers, workers, trade unions, and the government must make every effort to prevent termination of employment, such as setting working time, saving, improving work methods, and providing guidance to workers. But in reality, it proves that termination of employment cannot be prevented entirely.¹

Termination of employment is not uncommon for workers in a company, as is often the case with Karsa Utama Kota Gorontalo, where based on the observations made by the author, there are many acts of termination of employment for workers because they are suspected of committing acts of theft. Where according to the statement of Mr. Aris P as the Head of the Main Karsa Administration that the case of termination of employment that occurred the main cause was none other than violations committed by workers or laborers.

The offense int, in this ca se, heft. The theft committed by workers or laborers within the Karsa Utama company causes the company to suffer material losses. Where based on an interview with Mr. Aris P as the Head

¹Siti Aisyah, 2016, *The Effect of Employment Relations Policy on Work Motivation and Work Discipline in Coal Mining Employees of PT. Ryan Eka Pratama Samboja*, Journal: Psychology Study Program, Faculty of Social and Political Sciences, University of Mulawarman Samarinda, p. 438-439.

of Administration at Karsa Utama Company on January 31 , 0 , at least 10 (ten) workers have been terminated by the company for committing theft.²

Juridically, Article 158 paragraph 1 letter (a) of Law Number 13 of 2003 concerning Manpower, states that employers may terminate employment relations with workers/laborers on the grounds that workers/laborers have committed serious mistakes, such as committing fraud, theft or embezzlement of goods and/or money belonging to the company and in terminating the employment relationship, the entrepreneur is obliged to pay severance pay or gratuity for years of service and compensation for entitlements that should be received by the worker/labourer.

Workers who often receive termination of employment by employers at the Karsa Utama company should receive more serious attention and legal protection, including the rights of employees who have been laid off. Based on the above background, the authors are interested in conducting research by submitting the title as follows: "**Legal Protection Against Employees Who Receive Actions of Termination of Employment Without Legal Process (Case Study of Pt. Karsa Utama Gorontalo City)**".

B. Problem Formulation

1. How is the legal protection for employees who receive termination of employment without any legal process at PT. The Main Karsa of Gorontalo City?
2. What are the factors that cause some employees at PT. Karsa Utama Gorontalo City got termination of employment without any legal process?

C. Research Objectives

Based on the formulation of the problem above, the objectives of this research are as follows:

1. To find out how the legal protection for employees who receive termination of employment without any legal process at PT. Main Karsa Gorontalo City .
2. To find out what factors cause that some employees at PT. Karsa Utama Gorontalo City was terminated without any legal process.

RESEARCH METHODS

A. Research Location

² Interview with Dad Aris P (Chairman Administration of PT. Intention Main) January 31 , 2017 .

This research was conducted at PT. Main Karsa Gorontalo City. The reason the researcher took the object of research was that the source and data of all information regarding this research could accurately be obtained at that location for the maximum benefit of this research.

B. Type of Research

This research is a type of social law research (*sociological legal research*). According to Suratman and Philips Dillah, in the book *Legal Research Methods* it is stated that: Non- *doctrinal* research, namely research in the form of empirical studies to find theories regarding the process of occurrence and the process of working law in society. This typology of research is often also called *socio legal research* . In general, a social research, including legal research, can be viewed in terms and angles: nature, form, application, and purpose as well as from the point of view of scientific disciplines.³

C. Population and Sample

1. Population

The author determines that the population in this study are attorneys for employees who have been terminated by the Karsa Utama company in Gorontalo City and the Head of Administration for Karsa Utama Gorontalo.

2. Sample

In infield research, especially research with interviews, there are many parties who are in the position of research subjects. Thus, in this study, 1 legal representative from 6 employees who received termination of employment by PT Karsa Utama Gorontalo City, and 1 Head of Administration PT. Main Karsa Gorontalo.

D. Data Source

1. Primary Data

Primary data sources will be obtained directly from the facts from observations and data from interviews with respondents determined in the sample. The respondents are people who are directly involved in the object of research.

2. Secondary Data

Secondary data is a source of data obtained from the literature related to books/articles on employment, as well as all laws, both from the constitutional basis and all laws regarding employment, and all supporting documents related to the topics discussed in this research.

³ Suratman and Philips Dillah , 2013, *Method Study Law* , Alfabeta , Bandung, p . 45.

E. Data Collection Techniques

In order to collect data from the object under study, the authors use an observational procedure, namely, to observe directly the chronology of termination of employment for employees working at PT Karsa Utama Gorontalo City and examine what forms of protection they have received. The interview process is the author will interview directly the parties that have been previously determined by the author. And lastly, the documentation technique is a tool or complement to assist in compiling data related to research interests.

F. Data Analysis

In this study, the analysis used is descriptive analysis, meaning that the researcher will describe the description of the subject and object of research as the results of the research he did.

RESEARCH RESULTS AND DISCUSSION

A. Legal Protection Against Employees Who Receive Action Termination of Employment Without Any Legal Process At PT. Gorontalo City Main Karsa

Termination of Employment (PHK) is a condition in which workers stop working from the company, which results in the termination of rights and obligations between workers and employers. This can happen due to resignation, termination by the company or expiration of the employment contract. In an employment relationship, it is not uncommon for Termination of Employment (PHK) to occur. Problems will arise if the layoffs that have been carried out by entrepreneurs are layoffs that are contrary to legal provisions. This is of course contrary to the provisions of the legislation unless the company is in a bad financial condition so that it is necessary to reduce the number of employees by conducting rationalization.

Dismissals performed by employers must be justified and have evidence as stipulated in the Employment Law. If the employee objected to the dismissal and it is not in accordance with the law, then the employee can file a lawsuit to the Industrial Relations Dispute Resolution Institute (LPPHI) and the dismissal can also be canceled for the sake of the law and the employee can be re-employed. Dismissal is the termination of employment due to a particular matter that results in the termination of rights and obligations between workers and employers. After the

employment relationship ends, the employee no longer must work for the employer, and the employer is not obliged to pay wages to the employee.

In some Labor Law literature, we do not find any formulation or definition of termination of employment, but from the description above it can be interpreted that, termination of employment is a step to terminate the employment relationship between a worker/employee and employer/employer due to certain circumstances. The layoffs that can be canceled by law are based on the provisions in Article 153 of the Law on Manpower where the Company is prohibited from doing layoffs for the following reasons:

1. The worker is unable to come to work due to illness according to a doctor's statement for a continuous period not exceeding 12 months;
2. Workers are unable to carry out their work, because they fulfill their obligations to the state in accordance with the provisions of the applicable laws and regulations;
3. Workers carry out worship ordered by their religion;
4. Married workers;
5. Female workers are pregnant, give birth, have an abortion, or breastfeed their babies;
6. Workers have blood ties and or marital ties with other workers in the same company unless it has been stipulated in a work agreement, company regulations, or collective work agreement;
7. The worker establishes, becomes a member and/or administrator of a trade union, the worker carries out trade union activities outside of working hours, or during working hours upon the agreement of the company, or based on the provisions stipulated in the work agreement, company regulations, or collective work agreement;
8. Workers who complain about the company to the authorities regarding the company's actions that commit criminal acts;
9. Due to differences in understanding, religion, political sect, ethnicity, skin color, class, ^[1]gender, physical condition, or marital status;
10. Workers are in a state of permanent disability, sick due to work accidents, or sick due to work relations according to a doctor's certificate whose recovery period cannot be ascertained.

If the entrepreneur continues to lay off the job by ignoring the reasons mentioned above, then by Article 153 paragraph (2), the layoff is null and void and the entrepreneur is obliged to re-employ the worker concerned. There are several things that cause layoffs, for example workers resign, die, enter retirement, or because there is a problem (violation). In addition,

layoffs can also occur due to the transfer and merger of companies, a change of owner occurs, or the company closes due to bankruptcy. Provisions regarding layoffs are usually regulated specifically in company regulations.

In essence, labor law and all related laws and regulations aim to implement social justice by providing protection to workers or laborers from the power of employers. Each of these laws and regulations has a coercive nature and provides strict sanctions to entrepreneurs who violate them. The reality found by the workers is not what it should be in accordance with the provisions of the legislation, especially in the Law on Manpower.

Each country has an obligation to guarantee and respect human rights, protect and enforce them in their respective countries. The state has an obligation to protect the rights of workers affected by layoffs. The form of protection by the state is the enactment of provisions that can protect the rights of workers as human beings who deserve to receive fair and equal treatment regardless of their degree, rank or position. In addition to Pancasila and the 1945 Constitution of the Republic of Indonesia which guarantee the protection of every Indonesian citizen in this regard, workers in particular, Law Number 13 of 2003 concerning Manpower is specially made as a guideline for provisions to fulfill the rights and obligations of workers and entrepreneurs as business actors. Protection of workers can be carried out either by providing guidance, or by increasing the recognition of human rights, physical and technical protection as well as social and economic through the norms that apply in the work environment ⁴.

Regarding the prohibition on Termination of Employment Relations (PHK), this has actually been clearly regulated in the Manpower Law, namely in Article 151 paragraph (1) which reads:

"Entrepreneurs, workers/laborers, trade unions/labor unions, and the government must make every effort to prevent layoffs from happening".

Based on this rule also that a worker has the right to obtain protection from the actions of employers who perform Termination of Employment (dismissal). Article 151 paragraph (1) is a form of legal protection provided by the state as prevention of Termination of Employment (ROW) against an employee. Every worker should receive the same and appropriate

⁴G Kartasapoetra and Rience Indraningsih , 2012, *The main points Law Labor* , PT. Armico , Bandung, p . 43-44.

treatment without distinguishing his degree from the employer, therefore, Article 151 paragraph (1) guarantees to protect workers from arbitrary actions by the employer by considering that he as an employer has a high rank above a worker. low so as to feel entitled to perform the action of Termination of Employment (REMOVAL) arbitrarily without considering the consequences that will arise to the employee for the action taken.

Legal protection is a human right as a legal subject, both when he is in his position as an individual / individual, or when he is in a community, group or other circumstances. The form of legal protection that can be applied in the case of layoffs without going through a legal process that afflicts the workers/employees of PT. Gorontalo's Main Karsa can be seen from the juridical side or from the point of view of legislation, as in Law Number 13 of 2003 concerning Manpower ("Labor Law"), Law Number 11 of 2020 concerning Job Creation ("Labor Creation Law"), Constitutional Court Decision Number 012/PUU-1/2003 dated 28 October 2004, and Circular Letter of the Minister of Manpower and Transmigration Number SE-13/MEN/SJ-HK/I/2005 ("SE Menakertrans").

Based on an interview with Mr. Amran Husain as the attorney for the workers who were laid off, said that ⁵:

"The provision for Termination of Employment ("PHK") because the worker made a serious mistake was previously regulated through Article 158 paragraph (1) of Law Number 13 of 2003 concerning Manpower which has been abolished by Article 81 number 47 of Law Number 11 of 2020 concerning Job Creation . However, the Constitutional Court later annulled Article 158 of the Manpower Law through Constitutional Court Decision Number 012/PUU-1/2003 dated October 28, 2004. Therefore, the Minister of Manpower and Transmigration issued a. The Minister of Manpower and Transmigration SE emphasized that if employers want to lay off workers because workers have made serious mistakes, there must be a criminal judge's decision that has permanent legal force first. So, the guilt must be proven first through the criminal justice mechanism.

Through the statement above, the workers' power of attorney emphasizes several regulations that are used as guidelines in providing protection for

⁵ Based on results interview with power law workers / employees of PT. Intention Utama Gorontalo, On March 24 , 2018.

workers/employees of PT. Karsa Utama Gorontalo when layoffs occur due to unlawful acts or major mistakes such as theft by workers/employees. According to the author's analysis, the presence of this Circular of the Minister of Manpower and Transmigration provides a warning to entrepreneurs or companies when a layoff occurs on the grounds of committing a serious mistake or a criminal act, including theft, the company cannot apply the layoff until there is an *inkrach court decision*. If the company insists on giving layoffs to employees or workers, it is very clear that the company ignores the Circular of the Minister of Manpower and Transmigration, which also ignores the form of legal protection provided to workers/employees.

The purpose of legal protection contained in the Circular of the Minister of Manpower and Transmigration is none other than to avoid arbitrary actions from the company. The company must comply with and respect the legal process to prove the wrongdoing of the workers/employees. If the layoffs for serious mistakes are made without any legal process to prove the fault, then the company/entrepreneur can be said to have done layoffs that are against the rules.

In line with the above, furthermore, Mr. Amran Husain is the attorney for the workers affected by layoffs at PT. Main Karsa says ⁶:

"It is clear that our party rejects the layoffs given by PT. Main Karsa Gorontalo. Our party will also settle the layoffs through bipartite negotiations between PT. Karsa Utama Gorontalo with employees/workers. If bipartite negotiations do not reach an agreement, the next stage is carried out by the industrial relations dispute settlement mechanism which we will also take as a constitutional legal remedy."

According to the author's analysis, the legal action taken by the workers' power of attorney is appropriate, considering that one of the legal protections provided by the State to the community is to provide space to take legal steps if there is a waiver of the rights of certain parties, including the neglect of workers' rights by the company. This legal remedy is regulated in Article 81 number 37 of Law Number 11 of 2020 concerning Job Creation. As for Article 81 number 37 of Law Number 11 of 2020 concerning Job Creation, it reads:

⁶ Based on results interview with power law workers / employees of PT. Intention Utama Gorontalo, On March 24 , 2018.

“The provisions of Article 151 are amended so that they read as follows: (1) Entrepreneurs, workers/laborers, trade unions, and the government must make every effort to prevent termination of employment. (2) If the termination of employment is unavoidable, the purpose and reason for the termination of employment shall be notified by the entrepreneur to the worker/labor and/or the trade/labor union. (3) If the worker/laborer has been notified and refuses to have the termination of employment, the settlement of the termination of employment must be carried out through bipartite negotiations between the entrepreneur and the worker/laborer and/or the trade/labor union. (4) In the event that the bipartite negotiations as referred to in paragraph (3) do not reach an agreement, the termination of employment is carried out through the next stage in accordance with the mechanism for settling industrial relations disputes”.

The provisions in the Job Creation Act above serve as a legal umbrella that provides protection and legal remedies for workers/employees who refuse to give layoffs. With the legal steps to settle the layoffs, the workers/employees of PT. Karsa Utama Gorontalo affected by layoffs will propose a bipartite negotiation step and if an agreement is not reached in the negotiations it will proceed to the industrial relations dispute settlement stage.

B. Factors That Caused Some Employees At PT. Karsa Utama Gorontalo City Gets Termination of Employment Without Any Legal Process

Some of the causes of layoffs by employers based on Law Number 13 of 2003 concerning Manpower are as follows ⁷:

1. The termination of the employment relationship is regulated in article 154. The termination of the employment relationship due to the death of the employee, the employee reaches retirement age (also regulated in article 167), and the termination of the employment relationship by the employment agreement for a certain time.
2. The employee is proven to have committed a serious error, which is regulated in article 158. In that article there are ten categories of serious error, one of which is that the employee provides false information or is falsified to the detriment of the company.
3. The employee is detained by the authorities because it is not based on the Employer's report, regulated in article 160. If the Court

⁷Abdul Khakim , 2014, *Basics Law Indonesian Manpower* , Cet. IV, PT. Citra Aditya Bakti , Bandung, pp . 194-195.

decides on a criminal case before 6 months and the worker is found not guilty, the company is obliged to re-employ.

4. Workers commit violations, which are regulated in article 161. Workers have violated work agreements, company regulations and other agreed internal regulations, after the company has given warning letters 3 times in a row to the person concerned.
5. Change of status, merger, consolidation/change of ownership (article 163). If there is a layoff due to a change in status, merger, consolidation, or change in company ownership (acquisition), and the worker is not willing to continue the working relationship, the worker is entitled to one-time severance pay and compensation. If the layoff is caused by a change in status, merger, or consolidation, and the employer is not willing to continue the working relationship with the worker, the employee is entitled to two severance pay, one-time service award, and compensation for entitlements.
6. The company suffers a loss, as stipulated in article 164. Layoffs occur when the company goes bankrupt and is closed due to a loss as evidenced by the financial statements in which case the company has suffered losses in a row for 2 years.
7. The company is in a state of bankruptcy, as stipulated in article 165. Workers are entitled to severance pay, gratuity for years of service, and compensation for entitlements in accordance with the provisions of article 156.
8. Employees who are absent or absent from work without permission for at least 5 consecutive days where the Company has summoned properly and in writing 2 times and the Employee is unable to provide a reason that is acceptable to the Company (Article 168).

In the Manpower Act, layoffs are regulated in the provisions of articles 150-172, which basically states that employers cannot make layoffs arbitrarily to their workers. So that the cause or reason for the employer to lay off, must be by the Manpower Act. Where in essence, employers must as much as possible to minimize the occurrence of layoffs for workers.

Based on the author's analysis, the description of the reasons for the layoffs above, if concreted into the case that befell 10 employees who were laid off by PT. Karsa Utama Gorontalo, the factor causing the layoffs was because 10 employees of PT. Karsa Utama Gorontalo violated the provisions of Article 158 of Law Number 13 of 2003 concerning Manpower, where these employees were proven to have committed serious mistakes, one of which was committing theft. The act of theft is also a form of grave error regulated

by Article 158 paragraph (1) letter an of Law no. 13 of 2003 concerning Manpower. In the article it states:

"Entrepreneurs may terminate employment relations with workers/laborers on the grounds that workers/laborers have committed serious mistakes such as committing fraud, theft, or embezzlement of goods and/or money belonging to the company".

Furthermore, in Article 158 paragraph (2) of Law no. 13 of 2003 concerning Manpower, states:

"The serious error as referred to in paragraph (1) must be supported by the following evidence: a. workers/laborers are caught red-handed;^[1]b. there is an acknowledgment from the worker/laborer concerned; or^[1]c. other evidence in the form of incident reports made by the competent authorities in the company concerned and supported by at least 2 (two) witnesses".

In line with the above legal provisions, Mr. Aris P as the Head of the Gorontalo Main Karsa Administration said that ⁸:

"The PT. Karsa Utama Gorontalo has laid off 10 employees. The layoffs are based on reasons and causes that are also recognized and regulated by law. Where 10 employees had to be laid off because they committed theft at their place of work. Of the ten employees, 4 people were caught red-handed, 2 of them were caught based on their own admissions, and 4 people were caught based on incident reports by fellow employees, so on that basis the Company expressly gave them layoffs".

Furthermore, Mr. Aris P as the Head of the Gorontalo Main Karsa Administration, said that:

"The cause of PT. Karsa Utama Gorontalo immediately terminated employment based on company regulations and work agreements that had been mutually agreed upon by all employees of PT. Main Karsa. This step is an effort by the company to wipe out employee fraud and make employees at PT. Karsa Utama has attitude or good behavior while working".

According to the author's analysis, the facts that occurred in the company PT. Karsa Utama Gorontalo is a fact that often occurs in various regions, where employers are often terminated by employers or employees who commit or are suspected of committing serious mistakes. Employers often

⁸ Based on Results Interview with Dad Aris P (Chairman Administration of PT. Intention Main) January 31 , 2017 .

terminate employment immediately without seeking approval or stipulation from the industrial relations settlement institution.

The author himself agrees with what was conveyed by the attorney for the employees of PT. Karsa Utama was affected by layoffs, where he emphasized that after the Constitutional Court Decision No. 012/PUU-I/2003, the provisions of Article 158 of Law no. 13 of 2003 concerning Manpower no longer has binding legal force, including if the Collective Labor Agreement includes a serious fault clause as a reason for dismissal, then the provision no longer has binding legal force.

According to the author, layoffs if enforced are carried out without legal process as regulated in the provisions of Article 158 of Law no. 13 of 2003 concerning Manpower concerning workers who commit or are suspected of committing serious wrongdoings have an impact on the loss of the human rights of the employee or the worker concerned, and are considered to be contrary to Article 27 paragraph (1) of the 1945 Constitution, and violate the principle of presumption of innocence or *presumption of innocence*. Moreover, the existence of the Constitutional Court's decision has been confirmed by the issuance of the Circular Letter of the Minister of Manpower and Transmigration numbered SE-13/MEN/SJ-HK/I/2005 dated January 7, 2005. Where in point 3 letter a of the Ministerial Circular Letter it is stated that the layoffs are made because workers make mistakes. (ex Article 158 paragraph (1) of Law No. 13 of 2003 can only be carried out after a criminal decision has permanent legal force.

The main content of the minister's circular is the settlement of the termination of employment case because the worker who committed a serious mistake must pay attention to two things. That is, dismissal can be done after there is a criminal verdict that has permanent legal force or if the worker is detained and unable to perform work then the provisions of article 160 of the Labor Law apply. In addition, the minister's circular also stated that in the event that there is an "urgent reason" that results in the working relationship can not being continued, then the employer can take settlement efforts through the industrial relations dispute resolution agency. Although the use of the child phrase 'urgent reason' in the minister's circular is a problem in its own right, what is meant by 'urgent reason' is not given a clear and concrete definition or meaning in the minister's circular.

However, the government in 2021 yesterday ratified Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time, and Termination of Employment ("PP 35/2021") which also re-regulates the aspect of wrongdoing. severe, but using the term violation/error is urgent. Employers can lay off workers for committing urgent violations regulated in work agreements, company regulations ("PP"), or collective labor agreements ("PKB"), for example in the case of:

- 1) Commit fraud, theft, or embezzlement of goods and/or money belonging to the company;
- 2) Provide false or falsified information to the detriment of the company;
- 3) Getting drunk, drinking intoxicating liquor, using and/or distributing narcotics, psychotropic substances, and other addictive substances in the work environment;
- 4) Doing immoral acts or gambling in the work environment;
- 5) Attacking, molesting, threatening, or intimidating coworkers or employers in the work environment;
- 6) Persuade co-workers or entrepreneurs to take actions that are contrary to the laws and regulations;
- 7) Recklessly or intentionally damage or leave in a state of danger the company's property that causes losses to the company;
- 8) Recklessly or intentionally leaving a co-worker or employer in danger at work;
- 9) Disclosing or divulging company secrets that should be kept secret except for the interests of the state; or
- 10) Committing other acts within the company which is punishable by imprisonment of 5 years or more.

Based on the description of the Government Regulation above, the author emphasizes that if an urgent violation occurs, employers can immediately lay off workers, in other words, there is no need for a court decision. However, the provisions regarding the violation must be regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement.

CLOSING

A. Conclusion

Based on the results of the research and discussion above, the authors conclude that:

1. Legal protection for employees who receive termination of employment without any legal process at PT. The Main Karsa of Gorontalo City has been regulated and confirmed in the Constitutional Court Decision No. 012/PUU-I/2003, which revoked the provisions of Article 158 of Law no. 13 of 2003 concerning Manpower, which is also confirmed by the issuance of the Circular Letter of the Minister of Manpower and Transmigration numbered SE-13/MEN/SJ-HK/I/2005 dated January 7, 2005. Where in point 3 letter a of the Ministerial Circular Letter it is stated that the layoffs are because workers commit Serious mistakes including theft (ex Article 158 paragraph (1) of Law No. 13 of 2003) can only be committed after a criminal decision has permanent legal force.
2. The factors that cause so that some employees at PT. Karsa Utama Gorontalo City got termination of employment without any legal process, namely because it was based on the reason for a serious error committed by 10 employees of PT. Main Karsa Gorontalo. It is also based on company regulations and work agreements that have been mutually agreed upon by all employees of PT. Main Karsa. This step is an effort by the company to wipe out employee fraud and make employees at PT. Karsa Utama has good attitude or behavior while working.

B. Suggestion

Based on the conclusions above, the writer's suggestions in this thesis are:

1. The government, through the Minister of Manpower and Transmigration, should supervise companies in carrying out arbitrary layoffs and not go through a legal process.
2. For companies, companies should make company regulations and work agreement formats that contain points related to serious mistakes/violations when imposing layoffs to workers/employees, so that in the future there will be no problems related to the legality of layoffs on the grounds of serious mistakes that have not gone through a legal process.
3. For workers, workers/employees should not do acts that can harm themselves, especially related to actions related to criminal elements, because when this happens, the worker or employee is not only dealing with the layoff process provided by the company but will be dealing with the police. and other law enforcement.

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C. Law

- Law Number 13 of 2003 concerning Manpower.
- Government Regulation Number 35 of 2021 concerning Work Agreements for Certain Time, Outsourcing, Working Time and Rest Time, and Termination of Employment
- Circular of the Minister of Manpower and Transmigration Number SE-13/MEN/SJ-HK/I/2005
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