

Implementation of Legal Certainty Regarding The Terms of The Fixed Term Employment Agreement in Job Creation Law

Bening Cahyaningtyas^{1*}, Adhining Prabawati Rahmahani²

^{1,2} Faculty of Law, Esa Unggul University, Jakarta, Indonesia

*Corresponding Author:

Email: beningcahyaningtyas12345@student.esaunggul.ac.id

Abstract

The Job Creation Law, particularly regarding the employment law cluster, does not optimally implement legal certainty, resulting in weakened legal protection for workers. The problem formulation in this study is how legal protection for workers with contract status, and how legal certainty is implemented in the provisions of the fixed-term employment agreement (PKWT). This study applies normative juridical methods and a statutory approach, examines regulations based on legislation, and is supported by relevant primary, secondary, and tertiary legal sources. The results show that legal uncertainty in the provisions of the PKWT period creates legal loopholes and creates opportunities for flexibility, which has the potential to weaken workers' basic rights. Legal certainty in the provisions of the PKWT period plays a crucial role because it is directly related to legal protection for workers' basic rights. Regulations containing legal certainty aim to ensure that provisions are clear, predictable, fair, and do not create legal loopholes that could harm either party. The study concludes that the implementation of legal certainty in the provisions of PKWT is not optimal, which does not provide certainty for workers so that workers become continuous contract workers, resulting in weakened legal protection for workers. Therefore, the government needs to improve regulations and increase supervision, in order to create ideal and fair industrial relations.

Keywords: Implementation of legal certainty; fixed-term employment agreements and legal protection.

I. INTRODUCTION

Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation (hereinafter referred to as the Job Creation Law). Drafted using the Omnibus Law method that amends, unifies and simplifies various regulatory areas, it is a follow-up to the Job Creation Law which was previously declared conditionally unconstitutional referring to the Constitutional Court Decision Number 91/PUU-XVIII/2020, because its formation was deemed hasty and not in line with legal principles in 2020, (Subowo & Ismono, 2024) This shows that there is a gap between ideal norms and their realization. Therefore, various parties, especially labor unions, continue to monitor efforts to test the Job Creation Law, especially the labor law cluster at the Constitutional Court. The Job Creation Law amends the provisions of the employment law cluster, specifically Article 56 Paragraph (3) regarding the provisions of the term of a Fixed-Term Employment Agreement (PKWT), which states that the end of a job is determined based on the work agreement and does not regulate the maximum limit for contract extension. This does not contain legal certainty because it does not regulate clearly and clearly regarding the work contract which can create legal loopholes, considering that the work contract is a crucial component in the employment relationship. An employment contract is an agreement between a worker who states his willingness to work with an employer who is willing to provide a decent wage (Tampubolon et al., 2023). In terms of the term of the PKWT, it is important to have regulations that contain legal certainty accompanied by orderly implementation in order to create ideal industrial relations. Gustav Radburch argues that the principle of legal certainty is a basic legal value that essentially requires the law to explain and guarantee a regulation.

(Julyano & Sulistyawan, 2019) Regulations made by the state government should include elements of legal certainty and legal protection, especially in the provisions of PKWT (Working Permits). Failure to do so can lead to multiple interpretations and legal loopholes, resulting in weak legal protection of workers' basic rights. In this case, regulations related to the PKWT period provide opportunities for employers to implement contract flexibility, resulting in uncertainty regarding changes in employment status from contract workers to permanent workers. Such is the case in Limited Liability Company 'X', which violated the rights of contract workers by continuously extending contracts without any certainty of when they would end.

(Wicaksono, 2020). The enactment of the Job Creation Law not only changes regulations but also shifts the concept of industrial relations from a corporatist to a contractualist one, increasing efficiency and profits for employers but risking weakening protections and rights for workers. (Luh et al., 2025) Consequently, these regulatory changes allow for repeated contract extensions, creating legal uncertainty regarding worker status and weakening legal protections. (Samadi, 2025) Therefore, this issue is important to discuss in more depth. So the formulation of the problem to be studied is: (1) How is the legal protection for workers with Fixed-Term Employment Agreement status in the Job Creation Law? (2) How is the implementation of legal certainty regarding the provisions on the term of Fixed-Term Employment Agreements in the Job Creation Law?

II. METHODS

The research uses a normative juridical method. According to E. Saefullah Wiradipraja, normative juridical is a legal research that examines positive norms as its object of study. (Dr. Muhaimin, SH., 2020) with a statutory approach method (Statute Approach) aims to examine the implementation of legal certainty in the provisions of the PKWT period. The preparation of legal materials is carried out by identifying relevant legal materials, consisting of primary, secondary, and tertiary. Accompanied by qualitative analysis techniques and analytical descriptive studies that focus on the analysis of provisions related to the PKWT period in the Job Creation Law using the theory of legal certainty and related to the legal protection of workers with PKWT status with the theory of legal protection. These are crucial issues that need to be discussed and addressed, as they substantially impact workers' fundamental rights. The author conducted in-depth research on how the implementation of legal certainty in the provisions of the PKWT (Fixed Term Contract) period can create legal certainty and legal protection to achieve a balanced employment relationship between convenience and social justice.

III. RESULT AND DISCUSSION

Legal Protection for Workers with Fixed-Term Employment Agreement (PKWT) Status in the Job Creation Law.

Employment law, within the scope of employment contract regulations, based on Law Number 13 of 2003 concerning Employment, an employment contract is an agreement between workers and employers or parties who provide work by stating the rights and obligations, as well as the conditions of the parties. That there are 2 (two) types of employment contracts, namely fixed-term employment agreements (PKWT) and indefinite-term agreements (PKWTT). Based on Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Time, and Termination of Employment (hereinafter referred to as PP No. 35 of 2021). Article 1 Paragraph (10) PKWT is an agreement or work agreement between workers and employers in an employment relationship with a specified duration limit or a certain job, and in Article 1 Paragraph (11), PKWTT is an employment agreement between workers and employers in organizing a permanent employment relationship. The form of the employment agreement or contract serves as a guideline for implementing agreements in employment relationships. For example, employers can terminate an employment contract with an employee because the contract period has expired or continue the employment period by appointing and assigning them to permanent employment status. This is carried out through procedures in accordance with fair provisions and agreements. (Adiwinarto et al., 2023) In the case of PKWT, it is important to have fair regulations and comply with the principle of legal certainty accompanied by orderly and regular implementation so as to create an ideal employment relationship and legally protect all parties involved.

Legal protection guarantees the people equal access to services before the law and the state, which acts to ensure just and equitable legal certainty. Article 28D of the 1945 Constitution emphasizes that the state is obliged to guarantee the supremacy of law and substantive justice by protecting and guaranteeing the rights of every citizen to employment, adequate or appropriate treatment and remuneration, and fair legal certainty. Legal protection plays a crucial role in improving the standard of living of workers. (Iswaningsih et al., 2021) The provisions regarding PKWT are regulated in the Job Creation Law, Article 56 Paragraph (2)

and Paragraph (3), stating that the time period or completion of a particular job in the PKWT is determined based on an agreement in the work agreement. An explanation regarding the work agreement is explained in more depth in Article 1 Paragraph (9) of PP No. 35 of 2021, defining that a work agreement is an agreement between a worker and an employer or employer that includes the conditions of work, rights, and obligations of each party explicitly and bindingly. Changes in regulations regarding PKWT also illustrate the change in the concept of industrial relations in Indonesia, from previously being corporate, to industrial relations that are contractual in nature. Industrial relations with a contractualist concept means that employment relations prioritize direct agreements between the parties involved, in this case, workers and employers, accompanied by a very limited role for the state, namely as a basic rule-maker without in-depth intervention.

Meanwhile, the corporatist concept of industrial relations places the state at the center with a very important role in the implementation of industrial relations, namely as a regulator, mediator, and supervisor to maintain and ensure the alignment of interests between employers and workers, to prevent the occurrence of inequality or structural injustice. However, with regulatory changes that do not include legal certainty and the concept of industrial relations can give rise to multiple interpretations, which can result in weakening the quality of legal protection and basic rights of workers. Therefore, the Job Creation Law, especially the employment cluster, is considered suboptimal, because it does not address the shortcomings of the previous Employment Law, but instead creates problems that affect the protection of basic workers' rights. (Singhs et al., 2023) The provisions regarding PKWT are regulated in more depth in PP No. 35 of 2021. Specifically, Article 8 Paragraph (1), explains that the maximum duration of PKWT is 5 (five) years and Article 8 Paragraph (2) states that if the work carried out has not been completed, it can be extended in accordance with the agreement between the worker and the employer, according to the provisions of the total implementation not exceeding 5 (five) years. However, these provisions do not explicitly regulate the maximum limit for repeating contract extensions. This creates a legal loophole, which provides opportunities for employers to apply contract flexibility to workers and causes legal protection for workers to weaken. Employers can exploit the legal loophole in these provisions by making workers have PKWT status continuously, with a period that tends to be short, generally less than 1 (one) in each contract, which can be repeated continuously without a maximum repetition limit, but the accumulation is still carried out for a period of 5 (five) years.

This legal loophole exacerbates uncertainty in employment relationships, which employers can exploit to avoid fulfilling substantive obligations, such as establishing wage scales. This raises worker concerns about the continuity of employment relationships. Workers are trapped in a cycle of temporary contracts with short and unstable terms, raising concerns about the sustainability of legal protections and basic rights, including the right to a decent wage and employment security. This is one impact of the weaknesses in the provisions regarding the duration of PKWT (Fixed-Term Work Agreements), which reduces the quality of legal protection for workers with PKWT status. A short and unstable employment relationship in each employment contract will impact the wages received by workers with PKWT status, which is the minimum wage or honorarium. Although in reality workers have carried out the employment relationship for more than 1 (one) year, however, because the PKWT contract period is implemented and always maintained to never move or exceed 1 (one) year, which results in workers remaining on the minimum wage status. This illustrates a decrease in legal protection for workers, especially regarding the uncertainty of status and extension of the contract period. So this conclusively reduces workers' rights to obtain certainty, guarantees and legal protection which are basic rights in carrying out employment relationships. Thus, employers have greater freedom and flexibility in implementing employment relationships, while workers remain the ones who always comply with applicable regulations with limited rights.

This reflects the injustice between workers and employers in carrying out employment relationships. This contradicts the legal principle of equal treatment or equality before the law, stipulated in Articles 27 and 28D of the 1945 Constitution. Therefore, it can be concluded that provisions that do not contain legal certainty can result in a weakening of legal protection for workers' basic rights. Kemalsjah Siregar, an employment law expert, expressed a similar sentiment: some companies engage in exploitative practices by

exploiting legal loopholes against workers with fixed-term contracts (PKWT) to avoid various obligations. Ambiguous regulations lacking legal certainty provide employers with the opportunity to violate contract workers' rights by continuously extending contracts and binding workers to fixed-term contracts (PKWT). (Pohan, 2020) This reflects a structural imbalance in industrial relations, where workers are trapped in a cycle of short-term, unstable contracts with no guarantee of improved job prospects. The fact that workers are bound by a fixed-term contract (PKWT) with a maximum term of 5 (five) years, with each contract period not exceeding 1 (one) year, allows companies to avoid the obligation to create a wage scale structure and provide fixed and sustainable wages. Thus, the phenomenon of legal uncertainty in the provisions of the PKWT term in the Job Creation Law systematically reduces the level of legal protection for workers with PKWT status, such as the right to obtain basic rights and welfare at work as mandated and guaranteed by the 1945 Constitution.

Given the phenomenon of exploitation in employment relations against workers, it can be concluded that the provisions regarding the duration of PKWT in the Job Creation Law actually reduce legal protection for workers with PKWT status, which clearly contradicts the theory of legal protection which emphasizes that labor law norms should contain legal certainty accompanied by substantive legal protection, in order to guarantee basic workers' rights, provide equal opportunities and treatment, and prioritize the shared welfare of all parties. This is to realize an ideal and just industrial world and employment relations. (Basofi & Fatmawati, 2023) Imperfect regulations that do not comply with legal principles result in a decline in the quality of the foundation of industrial relations and hinder the achievement of ideal and socially just employment relationships. Provisions related to the duration of PKWT should contain legal certainty, guarantee and protect the basic rights of the parties, especially workers. As emphasized in the theory of legal protection put forward by Satjipto Rahardjo, it emphasizes that the law plays a role in protecting human interests and rights by granting the authority to defend interests and protect basic rights. However, in reality, changes in regulations related to employment and the concept of industrial relations have the potential to create legal loopholes that can benefit employers and risk weakening workers' legal protection. As in this case, employers exploit workers with PKWT status, which is considered more efficient than workers with PKWTT status, and apply contract flexibility to PKWT workers.

The normative implications that cause a decrease in legal protection for PKWT workers should be improved to align with the constitutional principles of the 1945 Constitution in Article 27 Paragraph (2), which states that people have the right to obtain work that suits their abilities, dignity and to obtain a decent life and meet basic needs, including food, clothing and shelter, as well as education and health. The state is obliged to create adequate employment opportunities, by preventing exploitation and guaranteeing decent wages, to improve welfare in employment relations in accordance with the constitution, also in accordance with Article 28D Paragraph (2), which emphasizes that every citizen has the right to obtain work, services or treatment, as well as fair and decent remuneration in the implementation of employment relations, by guaranteeing the right to equal work without discrimination accompanied by legal protection of workers' basic rights. In the context of the provisions regarding the PKWT term in the Job Creation Law, this article serves as a benchmark for assessing its compliance with constitutional principles. The PKWT term provisions lack legal certainty and violate constitutional principles because they allow for violations of workers' rights by repeatedly extending contracts and trapping workers in temporary employment relationships, hindering access to decent work, ideal legal protection, and improving workers' quality of life. Therefore, these provisions require regulatory reform to align with constitutional mandates and principles, along with increased oversight by labor agencies.

Reformulating or re-formulating the provisions regarding the PKWT term in the Job Creation Law is crucial to address any discrepancies with constitutional principles. This reformulation includes explicitly establishing a maximum limit for repeating PKWT contract extensions. It aims to legally protect workers' basic rights. By ensuring legal certainty in accordance with the constitution, optimal and just legal provisions can be created, protecting workers' basic rights to adequate or decent work and livelihoods in line with Article 27 Paragraph (2) of the 1945 Constitution. It also maintains a balance between the interests of employers and workers in the implementation of employment relationships. Strengthening of strict

administrative sanctions for employers who violate or abuse the PKWT loophole, and increased supervision by employment agencies can also be carried out to oversee the implementation and balance between the rights and obligations of the parties. This can be implemented by establishing a special agency that examines and supervises the pattern, type of work and term of contract extension in line with the provisions. In accordance with Article 28D Paragraph (2) of the 1945 Constitution, which emphasizes that every citizen has the right to obtain legal protection of workers' rights in carrying out employment relations. Increased supervision by the employment agency from the Ministry of Manpower through the manpower Office at every provincial and district/city level.

By forming a special supervisory team regarding the implementation of employment relations at the Company level, which supervises and ensures compliance with the implementation of employment relations regarding the time period, maximum limit for repeat contract extensions, and types of work in line with the provisions stipulated in the Job Creation Law and Implementing Regulations containing legal certainty and protection. By carrying out supervision, it can prevent uncertainty of employment status and contract violations committed to avoid normative obligations. In accordance with Article 28D Paragraph (2) of the 1945 Constitution, the supervisory mechanism is carried out to uphold legal certainty by supervising the fulfillment of workers' rights to obtain adequate work and livelihood based on equal skills and competencies of workers, without discrimination based on contract status. The provisions regarding the PKWT period in the Job Creation Law, which create legal loopholes, clearly contradict the constitutional mandate and the theory of legal protection. These provisions should serve as legal instruments guaranteeing the right to decent work and comprehensive legal protection. These provisions should be amended to comply with the constitutional mandate and legal principles, which serve as guidelines for the implementation of employment relationships. This should be accompanied by strengthened supervision of the implementation of employment relationships, thus creating ideal industrial relations, balancing the rights and obligations of all parties. (Prof. Dr. H. Romli SA, 2024).

Implementation of legal certainty regarding the provisions of the fixed-term employment agreement (PKWT) in the Job Creation Law

The provisions for PKWT (Fixed Term Contracts) in the Job Creation Law were drafted using an omnibus law, aiming to address overlapping provisions and simplify investment regulations. However, the Job Creation Law, specifically regarding the employment cluster, replaces the Manpower Law concerning the PKWT term provisions, which are deemed to lack optimal legal certainty, weakening legal protection for the basic rights of PKWT workers. Implementing legal certainty regarding the PKWT (Fixed-Term Work Agreement) provisions stipulated in the Job Creation Law is a fundamental element in guaranteeing the rights and obligations of parties in an employment relationship, thereby creating predictability and optimal legal protection. Legal certainty plays a crucial role as the primary foundation for workers with PKWT status, providing clarity regarding the duration of the employment contract, the legal status of the employment, and guarantees of basic rights during the contract period, such as wages, social security programs, and compensation. Without proper and optimal implementation of legal certainty regarding the provisions, the parties have the potential to experience legal uncertainty that can trigger disputes. In line with the theory of legal certainty presented by Gustav Radbruch, it emphasizes that legal certainty is a basic value contained in the system of positive law making and its implementation, realized by establishing clear, stable and predictable legal norms, accompanied by consistent implementation with effective supervision. The theory of legal certainty plays a crucial role, because ideal law requires firmness, stability, and predictability in it to create order, balance and social justice.

Provisions or regulations containing legal certainty prevent multiple interpretations, thus providing predictability and allowing legal subjects to consider the consequences of their actions, and creating substantive justice. Regulations containing legal certainty can support justice and the interests of the community. (Mahfud, 2024) Based on this, legal certainty is a fundamental element that plays a crucial role in the formation and implementation of applicable regulations or provisions, including provisions on the term of PKWT, which was previously regulated in the Manpower Law, but has been amended by the employment cluster of the Job Creation Law. The regulatory transformation regarding the employment cluster, particularly

regarding the duration of PKWT (Fixed Work Agreements), demonstrates significant legal uncertainty and ambiguity, namely by not clearly regulating how workers' status changes from PKWT to PKWTT and the maximum limit for repeated extensions of contractual employment relationships. The legal uncertainty in these provisions weakens workers' legal protection, as there is no explicit and definite mechanism to prevent labor exploitation practices. As a result, workers are vulnerable to the uncertainty of their employment status under PKWTs, which can be renewed repeatedly, which contradicts the principle of legal certainty.

The provisions regarding PKWT (Fixed Term Employment Contracts) are regulated in the Job Creation Law, and are further regulated in Government Regulation No. 35 of 2021. They only limit the cumulative duration of contracts. Article 8 of Government Regulation No. 35 of 2021 states that the maximum term for PKWT is 5 (five) years, without explicitly regulating the maximum limit for repetition and extension of contracts in PKWT employment relationships. This creates a legal loophole and provides employers with the opportunity to draft flexible contracts. Therefore, in practice, employers are free to determine the duration of each contract, and they can be repeated multiple times, but still accumulated over 5 (five) years. These provisions do not optimally implement legal certainty, thus compromising workers' rights to job security. As an illustration, Law Number 13 of 2003 concerning Manpower Article 59 Paragraph (4) regulates PKWT firmly, by stating that PKWT which is based on a time period, can be implemented for a maximum of 2 (two) years and can only be extended 1 (one) time for a maximum duration of 1 (one) year, so that the accumulation is 3 (three) years. If it exceeds this time period, the worker's status automatically changes to PKWTT. With these provisions which regulate clearly and contain legal certainty, they function as guidelines in implementing employment relationships and prevent violations of the rights of workers with PKWT status.

Meanwhile, Article 56 Paragraph (2) and Paragraph (3) of the Job Creation Law state that the duration of the period or completion of a particular job in a PKWT is based on an agreement in the work agreement contract, and is regulated in more depth in Government Regulation Number 35 of 2021, stating that the implementation of PKWT is divided into 2, namely, based on the duration of the period and the completion of a job. As Article 8 Paragraph (2) states that PKWT based on the period is a maximum of 5 (five) years and Article 9 explains that PKWT is based on the completion of a job, based on an agreement between the employer and the worker in the work agreement. These provisions do not explicitly regulate the maximum limit for repeating contract extensions, or are substantially eliminated. Thus, it creates a legal loophole in the employment relationship. That by eliminating the limit for repeating the extension of the PKWT contract which is crucial in the employment relationship, the change in the regulation has caused pros and cons because it is considered not to contain certainty of worker status in it, which means that workers can be employed with temporary contract worker status repeatedly as long as the agreed work has not been completed, without having to become permanent employees. R. Abdullah as the General Chairperson of the Federation of Chemical, Energy and Mining Workers' Unions of All Indonesia (FSP KEP SPSI) is of the opinion that the change in the regulation should contain better provisions than the previous regulation, so that it can produce a more appropriate and fair impact of change for the parties. In line with the theory of legal certainty, emphasizing that the law should be clear, unchanging and applied consistently without discrimination. Aims to provide a sense of security for the community by knowing how the legal rules will be applied.

The Job Creation Law allows employers to implement flexible, relatively short-term contracts. The lack of explicit contract extension limits results in legal uncertainty for workers, resulting in job insecurity. Consequently, workers face persistent instability without job security that guarantees and protects their basic rights. Job insecurity can negatively impact workers, including productivity issues, decreased motivation, and financial instability. Therefore, domestic and international labor organizations continue to uphold the importance of labor law provisions that provide legal certainty and protect workers. (Izzati, 2024) Regulatory changes regarding the duration of PKWT contracts that lack legal certainty weaken workers' legal protection and leave them vulnerable to exploitation by employers or employers, as workers are bound by PKWT status indefinitely. (Prana & Pura, 2022) Failure to clearly regulate the limits for contract extensions and changes in the status of PKWT workers to PKWTT can lead to flexibility, resulting in workers with PKWT status being

continuously unstable and far from welfare. (Permana, 2022) Regulations regarding the PKWT period that do not include optimal implementation of legal certainty have the potential to violate workers' basic rights to obtain decent work, as stated in Article 27 Paragraph (2) of the 1945 Constitution, which emphasizes that every citizen has the right to obtain adequate work and livelihood, including stable employment status and legal protection. However, with the suboptimal implementation of legal certainty, it provides opportunities for employers to apply flexibility to employment relationships and is unfair, by binding workers to unstable temporary contract status resulting in weakened worker protection and welfare.

It can be concluded that the provisions regarding the PKWT period in the Job Creation Law fail to optimally implement legal certainty, as they create flexibility for employers and limitations for workers, resulting in legal uncertainty or job insecurity and weakening legal protection for workers' basic rights. Optimal provisions should prioritize the implementation of legal certainty and transparency, meaning that when drafting legislation, the effectiveness of these provisions must be considered for the community, by including community or stakeholder participation and applying appropriate legal principles and principles. This is to create regulations that align with the needs of the community and the legal system, contain legal certainty, justice, and have high utility value. (Saiya et al., 2021) Provisions regarding the duration of a PKWT (Fixed Term Work Agreement) should optimally implement legal certainty by explicitly and firmly setting the maximum limit for repeated contract extensions. This serves as a crucial guideline and legal basis for defining the duration of each contract within a PKWT employment relationship. Clearly defining the duration of a PKWT employment relationship aims to regulate the rights, obligations, and limits for both workers and employers. (Endrawati & Kaemirawati, 2024) Optimal provisions should contain or implement legal certainty, in accordance with the constitution, especially Article 27 Paragraph (2) and Article 28D of the 1945 Constitution, by explicitly guaranteeing and protecting the basic rights of the parties. Optimal regulations can be applied firmly and do not create legal loopholes. Balanced and ideal provisions, not only protect and guarantee the basic rights of the parties, but can also prevent violations of the law in the implementation of employment relations and the practice of exploiting workers through repeated contracts, and can improve the quality of proportional industrial relations.

IV. CONCLUSION

Regulatory changes to the Job Creation Law and Government Regulation No. 35 of 2021 have conclusively reduced legal protection for workers with Fixed-Term Employment Agreements (PKWT) due to the absence of a maximum limit on contract extensions, allowing workers to enter into repeated contracts for short periods. These regulatory changes also shift the concept of industrial relations to a contractualist one that prioritizes agreements between the parties and limits the role of the state, thus opening legal loopholes, creating job uncertainty and weakening the protection of basic rights. This fundamentally contradicts the constitutional mandate and the theory of legal certainty, which demands firmness and predictability.

The employment cluster of the Job Creation Law and its derivative regulations, Government Regulation No. 35 of 2021, specifically regarding the provisions on the term of Fixed-Term Employment Agreements (PKWT), are deemed to have failed to optimally implement the principle of legal certainty. This is done by eliminating the maximum limit for contract extensions previously expressly stipulated in Law No. 13 of 2003. The absence of provisions to clearly regulate the time limit contradicts the theory of legal certainty and Article 27 Paragraph 2 and Article 28D of the 1945 Constitution, as it has the potential to weaken legal protection and harm workers' basic property rights. Therefore, the Job Creation Law, specifically the employment cluster, is deemed incapable of creating fair and optimal regulations.

V. SUGGESTION

To optimize the implementation of legal certainty in the employment cluster of the Job Creation Law and restore the protection of basic workers' rights, it is recommended that the government immediately improve regulations that include legal certainty regarding the determination of a maximum limit for repeating PKWT contract extensions, of course by involving public opinion, and increasing the number of

supervisors. This will prevent loopholes and abuse of the law, ensure predictable employment status, and oversee the implementation of industrial relations, as well as uphold the principle of a balance of rights and obligations between employers and workers in line with the principle of substantive justice.

REFERENCES

- [1] S. Adiwinarto, T. Pamungkas, P. Mahardika, T. Leeavi, Legal certainty regarding labor welfare from the perspective of the Job Creation Law, *National Multidisciplinary Sciences*, 2(4), 2023, pp. 349–355.
- [2] MB Basofi, I. Fatmawati, Legal protection for workers in Indonesia based on the Job Creation Law, *Jurnal Profesional*, 10(1), 2023, pp. 77–86.
- [3] Muhaimin, Legal Research Methods, Mataram University Press, 2020.
- [4] E. Endrawati, D. Kaemirawati, Labor and industrial law, PT Media Penerbit Indonesia, 2024.
- [5] M. Iswaningsih, I. Budiarta, N. Ujjanti, Legal protection for local workers in Law Number 11 of 2020 concerning the Omnibus Law, *Jurnal Preferensi Hukum*, 2(3), 2021, pp. 478–484.
- [6] NR Izzati, Legal certainty vs job uncertainty: the substance of employment in Law Number 6 of 2023 concerning Job Creation, *Jurnal Hukum Ius Quia Iustum*, 31, 2024, pp. 384–407.
- [7] M. Julyano, AY Sulistyawan, Understanding the principle of legal certainty through the construction of legal positivism reasoning, *CREPIDO*, 1(1), 2019, pp. 13–22.
- [8] NGI Putri, PP Sudiarawan, KA Sudiarawan, The position of collective work agreements in resolving industrial relations disputes, *Udayana Master of Law Journal*, 14, 2025, pp. 653–664.
- [9] MA Mahfud, Introduction to legal science, Yoga Pratama, 2024.
- [10] DY Permana, Implementation of legal protection for workers in Indonesia in PKWT and PKWTT according to Law Number 11 of 2020 concerning Job Creation, *Indonesian Journal of Social Sciences*, 3, 2022, pp. 902–915.
- [11] MR Pohan, Legal protection for workers in fixed-term employment agreements according to employment law, *Merdeka Law Journal*, 1(2), 2020, pp. 60–71.
- [12] SA Prana, MH Pura, Legal protection for workers with fixed-term work agreements (PKWT) after Law Number 11 of 2020 concerning Job Creation, *Journal of Law and Humanities*, 9(7), 2022, pp. 3413–3418.
- [13] Romli SA, Legal protection, CV. Doki Course and Training, 2024.
- [14] AJ Saiya, SS Alfons, H. Martha, Y. Tita, Public participation in the formation of the Job Creation Law, *TATOHI Journal of Legal Studies*, 1(6), 2021, pp. 618–626.
- [15] J. Samadi, Legal analysis of legal protection for contract workers in the Indonesian employment system, *Journal of Business Law (J-Kumbis)*, 3(2), 2025, pp. 1–23.
- [16] AD Singhs, Z. Alsabilah, R. Rasji, Analysis of the impact of the Job Creation Law on workers' rights, *JERUMI: Journal of Education Religion Humanities and Multidisciplinary*, 1(2), 2023, pp. 142–149.
- [17] Subowo, J. Ismono, Legal analysis of the formation of the Job Creation Law according to legal theory, *Master of Law Journal "Law and Humanity"*, 2024, pp. 167–187.
- [18] M. Tampubolon et al., Employment Law, PT Global Eksekutif Teknologi, 2023.
- [19] Wicaksono, Aice ice cream producer lays off 620 workers, CNN Indonesia, 2020.