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The Role of the Job Creation Law in Increasing Investment and Labor Protection in Indonesia

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ABSTRACT

The revision of the Job Creation Law through Law Number 6 of 2023 aims to improve the investment climate and protection of workers in Indonesia. These regulatory changes include simplifying business licensing through the Online Single Submission (OSS) system, implementing risk-based licensing, and incentivizing investors to attract more domestic and foreign investment. From the employment aspect, this revision introduces adjustments to the minimum wage formula, restrictions on the outsourcing sector, changes to severance pay provisions, and more structured termination of employment (PHK) procedures. The Job Loss Guarantee (JKP) program is delivered as additional protection for laid-off workers. Although this policy provides legal certainty and flexibility for the business world, the main challenges in its implementation are the supervision of company compliance, the effectiveness of labor protection, and the readiness of the bureaucracy to implement a more transparent system. With a normative legal approach through regulatory analysis, this study highlights the impact of changes to the Job Creation Law on investment and employment. It provides recommendations to strengthen supervision, socialization, and collaboration between the government, the business world, and workers. The policy is expected to create a competitive investment environment, improve worker welfare, and encourage inclusive and sustainable economic growth in Indonesia.

INTRODUCTION

Indonesia's economic conditions over the past few years have shown significant challenges, especially due to the global economic slowdown and the impact of the COVID-19 pandemic (Khairul Akbar et al., 2022). Although Indonesia's economic growth remains positive compared to several other countries in the Southeast Asian region, unemployment and social inequality are still problems that must be addressed. The business sector, especially small and medium enterprises (SMEs), is under considerable pressure due to strict regulations and complicated bureaucracy, which often hinder the business and investment climate. In addition, Indonesia's competitiveness in attracting foreign direct investment (FDI) is still relatively low compared to neighboring countries such as Vietnam, Malaysia, and Thailand (Agusalim et al., 2018; Aidhi et al., 2023; Izzatin et al., 2023).

To encourage recovery and drive economic growth, the Indonesian government views investment as a significant strategic solution. Investment acts as a substantial source of financing for infrastructure development and productive sectors while catalyzing the creation of new jobs. By increasing the amount of investment, the government anticipates expanding employment prospects for local workers, which is in line with increasing people's income and thus enhancing the competitiveness of the national economy (Anwar, 2022). Therefore, regulatory reforms that simplify the licensing process, ensure legal certainty, and encourage the creation of an investor-friendly business environment are very important. The Job Creation Law is a proactive initiative aimed at addressing this urgent need by implementing a series of comprehensive policies designed to facilitate investment while protecting workers' rights.

On the other hand, the challenges in the employment sector are no less complex. High unemployment rates and job insecurity, especially in the informal sector, require policies that can protect workers while improving their welfare (Arvianto & Haq, 2017; Dharshinni et al., 2023; Ishak, 2018; Kurniati, Daryyl, 2021; Setyanti & Finuliyah, 2022). Previous employment regulations were considered too rigid and inflexible in responding to the demands of the rapidly evolving labor market (Panggabean, 2023).

The Job Creation Law (Law No. 11 of 2020) was drafted as part of the government's efforts to accelerate economic growth through simpler regulatory reforms, especially in the investment and employment sectors. Before this law, Indonesia faced various challenges in attracting investment, such as complicated business licensing bureaucracy, overlapping regulations, and legal uncertainty that hampered the business world. Additionally, the employment sector also faced various problems, such as unclear regulations regarding contract workers, outsourcing, and wage and severance pay mechanisms, which were often sources of conflict between workers and employers. To overcome these problems, the government then issued Government Regulation instead of Law (Perppu) No. 2 of 2022, which was later ratified as Law No. 6 of 2023. This law aimed to improve previous regulations by enhancing aspects of labor protection and providing legal certainty for business actors. By simplifying licensing, implementing a risk-based licensing system, and adjusting employment regulations to be more flexible yet still protect workers' rights, the Job Creation Law is expected to increase Indonesia's investment competitiveness on a global level and create wider, higher-quality jobs for the community (Sitio, 2021).

Law No. 6 of 2023 was introduced as an improvement to the Job Creation Law after the Constitutional Court (MK) in Decision No. 91/PUU-XVIII/2020 stated that Law No. 11 of 2020 was conditionally unconstitutional because its formation was not in line with the principle of openness in the legislative process. The government then issued Perppu No. 2 of 2022, which was finally ratified as Law No. 6 of 2023, to ensure legal certainty in investment and employment regulations. Several aspects were improved, including harmonization of regulations, strengthening the government's role in protecting workers, and adjusting the business licensing mechanism to be more transparent and easily accessible to business actors. With this revision, the government hopes that the Job Creation Law can be better accepted by all stakeholders, both from the investor and worker sides, and can address previous criticisms regarding workforce flexibility and social protection guarantees.

One of the main changes in Law No. 6 of 2023 is the ease of investment through the simplification of the risk-based licensing system and the increase in investment incentives. The licensing system is now carried out digitally through the Online Single Submission (OSS), which allows entrepreneurs to obtain permits more quickly and efficiently according to their business risk level. In addition, the government also provides various facilities to encourage investment, such as ease of obtaining industrial land, tax incentives, and deregulation of regulations that were previously considered to hinder the entry of foreign and domestic capital. With these changes, Indonesia is expected to increase its competitiveness in attracting investment and creating more new business opportunities that can absorb a wide range of workers.

From the perspective of the business world and investors, the regulatory changes in the Job Creation Law have received mixed responses. Some business actors welcome the simplification of the rules because it can reduce bureaucratic obstacles that have so far been barriers to opening and developing businesses. Additionally, the risk-based licensing system through OSS is also considered more transparent and makes it easier for small and medium enterprises (MSMEs) to grow. However, some groups still question the effectiveness of this regulation in creating a conducive business climate, especially in terms of legal protection for workers and certainty in long-term investment mechanisms. The success of the implementation of the Job Creation Law is highly dependent on how this regulation is enforced, including supervision of licensing and the provision of targeted incentives.

In terms of labor protection, Law No. 6 of 2023 introduces several significant changes, especially in regulations regarding fixed-term employment agreements (PKWT), outsourcing, severance pay, and termination of employment (PHK). The revision of this law ensures that workers' rights are protected, such as certainty for contract workers regarding the length of work, clarity of regulations regarding outsourcing companies, and increased severance pay for workers affected by layoffs. Additionally, the government has also strengthened the job loss guarantee (JKP) mechanism as a form of protection for workers affected by layoffs, providing them with benefits in the form of job training and temporary cash assistance.

Although the various changes in the Job Creation Law aim to create a balance between investment interests and labor protection, challenges in implementation remain a major concern. Some workers are still concerned about the flexibility of the workforce, which can open opportunities for exploitation, while employers also face challenges in adjusting employment policies to their business needs. Therefore, continuous supervision and evaluation by the government are essential so that this regulation can be effectively implemented, fulfilling its original purpose—namely, increasing investment without ignoring labor rights. With the right approach, the Job Creation Law is expected to positively impact strengthening the national economy and improving the welfare of workers in Indonesia.

METHOD

This study uses a normative legal method, which is a legal research method that focuses on the study of applicable legal norms and principles in laws and regulations. The approaches used in this study are statutory and analytical. The statutory approach is used to study various laws related to the Job Creation Law, especially Law No. 6 of 2023 concerning the Stipulation of Perppu No. 2 of 2022, as well as its implementing regulations in various government regulations and related policies. Meanwhile, the analytical approach is used to understand how regulatory changes in the Job Creation Law affect the investment climate and labor protection in terms of implementation effectiveness and from the perspective of labor and investment law in Indonesia.

The data sources in this study come from secondary data, which include primary, secondary, and tertiary legal materials. Primary legal materials consist of related laws and regulations, such as Law No. 6 of 2023, the *Manpower Law*, and other derivative regulations. Secondary legal materials include research results, legal journals, books, and expert opinions that discuss the impact and implementation of the Job Creation Law. Tertiary legal materials include legal dictionaries and encyclopedias that are used to provide further understanding of the legal concepts discussed. The data collection technique is carried out using library research, which aims to explore various legal references that are relevant to this research. Furthermore, the data analysis technique is carried out descriptively-qualitatively, by interpreting and reviewing the legal data obtained and then compiling it in the form of a systematic analysis to explain the role of the Job Creation Law in increasing investment and protecting workers in Indonesia.

RESULTS AND DISCUSSION

The Role of the Job Creation Law After Revision in Law Number 6 of 2023 in Increasing Investment

The Job Creation Law (Law No. 11 of 2020) was initially drafted as part of the government's strategy to create simpler and more efficient regulations to encourage investment and accelerate economic growth. However, after being passed, this law faced various legal challenges, including the Constitutional Court's (MK) ruling in case No. 91/PUU-XVIII/2020 exclaiming that its formation was conditionally unconstitutional because it was deemed not to meet the principles of openness and adequate public participation. To overcome this, the government then issued Perppu No. 2 of 2022, which was later ratified as Law No. 6 of 2023, as a form of improvement in both formal and material aspects. In this revision, various provisions related to investment have changed, including the simplification of the risk-based licensing system through the Online Single Submission (OSS), the provision of more competitive investment incentives, and the deregulation of several policies that were previously considered to hinder investment, such as easy access to land for investors. In addition, the revision of the Job Creation Law is also aligned with various other investment regulations in Indonesia, such as the Investment Law (Law No. 25 of 2007) and sectoral regulations related to investment in the energy, industry, and digital economy sectors, to ensure legal certainty and policy synchronization that can increase Indonesia's investment competitiveness at the global level. (Siregar, 2020).

The revision of the Job Creation Law through Law No. 6 of 2023 brings various changes to the business licensing system to create a more conducive investment climate. One of the main aspects that has been improved is the simplification of business licensing through the implementation of the Online Single Submission (OSS) system, a digital platform that allows entrepreneurs to obtain business licenses more quickly and transparently. OSS uses an electronic-based approach that integrates licensing at the central and regional levels, thereby eliminating overlapping bureaucracy that has been a major obstacle for investors. With this system, business licenses can be obtained automatically if the required requirements have been met, without having to go through a manual process that often takes a long time. This reform aims to accelerate investment, especially for small and medium enterprises (SMEs) that previously encounters difficulties to assess business permits due to complex procedures.

In addition, the revision of the Job Creation Law also emphasizes the implementation of risk-based licensing (Risk-Based Approach), which divides types of businesses based on their risk levels and determines the types of permits required according to these categories. Low-risk businesses only require a Business Identification Number (NIB) as a legal identity without the need to go through additional licensing procedures, while medium-risk businesses require certain certification standards, and high-risk businesses still require strict permits with special supervision. This approach aims to adjust the level of regulation to the potential impact of the business on the environment, health, and public safety, thereby reducing administrative barriers for businesses that do not have a major influences while ensuring stricter supervision of sectors that have high risks. Thus, business licensing is no longer rigid and uniform, but rather more flexible and efficient according to the characteristics of the business being run.

In addition to simplifying licensing procedures, the revision of the Job Creation Law also eliminates or simplifies various regulations that were previously considered to hinder investment. Several regulations that have undergone significant changes include ease in managing investment land, simplification of environmental requirements, and increased access to fiscal incentives for strategic investors. One important change is the elimination of several requirements in the Environmental Impact Analysis (AMDAL) for businesses that fall into the low to medium-risk category so that the licensing process can run faster without reducing environmental sustainability aspects. In addition, the government also provides various tax facilities, import duty relief, and ease of obtaining business use rights (HGU) and building use rights (HGB) to attract more investment in the industrial, manufacturing, and infrastructure sectors. With this reform, it is hoped that investors, both domestic and foreign, will be increasingly encouraged to invest in Indonesia without being constrained by complicated regulations and convoluted bureaucracy. (Husnulwati, 2021).

The revision of the Job Creation Law through Law No. 6 of 2023 provides various investment incentives and facilities to increase Indonesia's attractiveness as an investment destination, both for domestic and foreign investors. One of the main incentives is the ease of access to land and industrial areas, which aims to ensure the availability of strategic business locations with adequate supporting infrastructure. The government has developed a Land Bank policy, namely a state-managed land bank to provide land for investors with a long-term rental scheme and clearer legal certainty. In addition, various special economic zones (KEK) and integrated industrial areas have been prepared with additional incentives, such as reduced land rental costs, cheaper electricity and water facilities, and reduced environmental regulatory burdens for certain industries. This convenience is not only intended for large companies but also for small and medium enterprises (MSMEs) who want to operate in industrial areas so that they can enjoy the same facilities as large-scale companies.

Besides easy access to the ground, the government also provides tax and customs incentives to increase investment attractiveness. Investors who invest in priority sectors can enjoy a tax holiday, namely an exemption from income tax for a certain period, or a tax allowance, in the form of a tax reduction for companies that meet certain criteria, such as investing in sectors that have a high economic impact or that absorb a large number of workers. In addition, there are facilities for exemption from import duties and value-added tax (VAT) for imports of machinery and raw materials, which aim to ease the burden of initial investment for the manufacturing and technology industries. The government also pays special attention to MSMEs and startups by providing simplified licensing, access to funding through low-interest credit, and business incubation programs supported by the Revolving Fund Management Institution (LPDB) and the Public Service Agency (BLU). With this policy, it is hoped that more new entrepreneurs will grow, thereby, creating jobs and encouraging innovation in various economic sectors. (Nurhikmahyanti, 2024).

Impact of Regulatory Changes in Law No. 6 of 2023 on Workforce Protection, Especially Regarding Minimum Wages, Outsourcing, Severance Pay, and Termination of Employment (PHK)

The revision of the Job Creation Law through Law No. 6 of 2023 brings significant changes to the minimum wage policy, especially in the mechanism for determining wages that are more flexible and based on economic conditions. One of the main changes is the adjustment of the minimum wage calculation formula by considering economic growth, inflation, and certain indexes that reflect labor market conditions. In previous regulations, minimum wage increases tended to be based on the percentage of inflation and national economic growth, which were considered less flexible in dealing with regional economic dynamics. With this revision, wage calculations become more adaptive to actual economic conditions, so that it is expected to maintain a balance between workers' interests and business sustainability. However, this change in formula also raises concerns for workers, due to the potential for lower wage increases when the economy is stagnant or slowing down. In addition, the authority to determine the minimum wage remains in the hands of the governor, but with broader considerations from the central government, the Wage Council, and economic factors in each region. This aims to provide flexibility for each region in determining the Provincial Minimum Wage (UMP) and the Regency/City Minimum Wage (UMK) according to local economic characteristics. Although local governments have the authority to set the UMK, the decision must refer to the formula that has been set in the latest regulation, thus reducing inequality in determining wages in various regions. With this system, regions with high economic growth can still adjust to a more competitive minimum wage, while regions with weaker economic conditions are not too burdened with significant wage increases.

The impact of this change in minimum wage policy is quite diverse for workers and the industrial sector. From the worker's side, adjusting the minimum wage formula to be more flexible can provide legal certainty in calculating wages, but can also lead to more moderate wage increases compared to the previous system. For the industrial world, especially labor-intensive sectors such as textiles, manufacturing, and plantations, this policy is considered a positive step because it allows companies to adjust their labor cost structure to actual business conditions, thereby increasing business competitiveness. However, the main challenge of this policy is how to ensure that the revised rules continue to provide welfare protection for workers, especially in difficult economic conditions, and prevent exploitation of workers due to the determination of minimum wages that are too low. Therefore, the implementation of this policy requires strict supervision from the government so that a balance between the interests of workers and employers can be achieved.

Revision of the Job Creation Law through Law No. 6 of 2023 brings important changes to the outsourcing system, especially in terms of restrictions on sectors or types of work that are permitted. If previously outsourcing could be applied in various sectors without clear restrictions, now the government has regulated that only certain types of work may use the outsourcing system. This provision aims to provide legal certainty and better protection for outsourcing workers while ensuring that this system is not misused by companies to avoid their obligations to permanent workers. This restriction is also expected to encourage companies to recruit more workers as permanent employees rather than using outsourcing workers extensively.

Besides limitations on the types of work, this revised law also strengthens the protection of the rights of outsourcing workers, especially in terms of wages, social security, and job security. The government emphasizes that outsourcing workers have the right to wages that cannot be lower than permanent workers in the same position, thereby reducing inequality in the wage system. In addition, outsourcing companies are required to ensure that their workers receive social security, including BPJS Employment and BPJS Health, so that they continue to have adequate social protection. This new regulation also regulates the certainty of work contracts for outsourcing workers, so that they do not experience uncertainty regarding the work period which was often a major problem in the previous outsourcing system. With this policy, it is hoped that outsourcing workers will no longer be treated as workers without clear rights, but as part of the formal workforce who receive proper protection.

This change in outsourcing policy has major implications for companies using outsourcing services as well as for related workers. For companies, restrictions on the outsourcing sector mean that they must be more selective in using outsourcing services and consider recruiting permanent employees, especially in sectors that are no longer allowed to use the outsourcing system. This can increase the burden on companies in the short term, especially in terms of workforce management and operational costs, but in the long term, it can create a more stable employment system. Meanwhile, for outsourcing workers, this policy has a positive impact in the form of job security, better wage protection, and access to social security, although there are still challenges in implementing and supervising this policy. Therefore, the success of the new policy in this outsourcing system will depend heavily on government supervision and company compliance in implementing the established rules.

The revision of the Job Creation Law through Law No. 6 of 2023 brings changes to the provisions on severance pay for workers affected by Termination of Employment (PHK). Previously, the rules regarding severance pay in Law No. 13 of 2003 on Manpower required companies to pay severance pay of a maximum of 32 times the salary, depending on the length of service and the reason for the layoff. However, in the latest revision, the maximum severance pay was reduced to 25 times the salary, consisting of 19 times the salary paid by the company and 6 times the salary covered through the Job Loss Guarantee (JKP). The reduction in the amount of severance pay aims to reduce the burden on companies facing an unstable economic situation and provide an alternative protection scheme for workers through the JKP program. Although this policy provides flexibility for companies, this change also raises concerns among workers, especially regarding their certainty of receiving decent severance pay after being laid off.

As a compensation for the reduction in severance pay, the government introduced the Job Loss Guarantee (JKP) program managed by BPJS Ketenagakerjaan. This program is designed to provide financial assistance for workers who are laid off, in the form of benefits for six months, job training, and access to job market information to help them find new jobs. Eligible workers will receive benefits of 45% of their monthly wages for the first three months, and 25% for the next three months. With this scheme, it is hoped that workers who lose their jobs can survive financially more easily and have a greater chance of returning to work. However, the success of JKP is highly dependent on the company's participation in paying BPJS Ketenagakerjaan contributions, as well as the effectiveness of the implementation of job training provided by the government.

The implementation of the severance pay policy after the revision of the Job Creation Law has advantages and challenges that need to be considered. In terms of benefits, this policy provides legal certainty for companies and workers, while offering a long-term solution through JKP as additional protection for workers who lose their jobs. For companies, reducing the burden of severance pay can increase competitiveness and business sustainability, especially for industries facing economic uncertainty. However, the main challenge is monitoring the company's compliance in providing severance pay rights, because there are still many cases of companies avoiding their obligations. In addition, the effectiveness of JKP in providing real protection for workers also needs to be evaluated periodically, considering that there is still a possibility of an imbalance between the number of beneficiaries and the availability of funds in BPJS Ketenagakerjaan. Therefore, the implementation of this severance pay policy requires strict supervision and government commitment so that it can run optimally and provide benefits for all parties.

Revision of the Job Creation Law through Law No. 6 of 2023 brings changes to the procedures and reasons permitted for termination of employment (PHK) to provide legal certainty for workers and employers. The latest regulation emphasizes that layoffs can only be carried out if there is a valid reason, such as company efficiency, the company is experiencing losses, the company is closed, the worker commits a serious violation, or a force majeure condition. In addition, companies are required to follow more structured procedures, including negotiating with workers or unions before layoffs are carried out. If no agreement is reached, the company must provide written notice at least 14 days before the layoff takes effect. One important aspect of the new regulation is the guarantee of certainty of severance pay, where companies are still required to provide compensation under relevant provisions, although the amount has been adjusted in the latest revision.

Furthermore, this revision also regulates layoff procedures that clarify the mechanism for resolving employment disputes related to layoffs, which aims to reduce conflicts between workers and companies. If workers do not accept the termination decision, they can file a bipartite process (direct negotiation between workers and the company). If this negotiation fails, it can be continued to mediation or conciliation through the Manpower Office. If the dispute remains unresolved, workers can take their case to the Industrial Relations Court (PHI). Although this procedure provides a clearer legal path, in practice there are still challenges in enforcing the regulation, especially regarding the company's compliance in fulfilling its obligations and the length of the dispute resolution process in court. In general, the termination regulation revision in the Job Creation Law aims to create more harmonious and stable industrial relations, but its effectiveness still depends on government supervision and the compliance of the business world in implementing the established rules.

CONCLUSION

Indonesia's economy faces significant challenges from the global slowdown and the COVID-19 pandemic, leading to rising unemployment and weakened investment competitiveness. To spur recovery, the government introduced the *Job Creation Law* as a comprehensive reform to streamline regulations, enhance the business climate, and attract investment while also strengthening worker protections in a dynamic labor market.

However, its implementation has faced challenges, including public resistance, bureaucratic hurdles in licensing and land acquisition, and concerns over reduced job security—particularly for informal workers due to flexible employment terms and outsourcing provisions. Although regulatory simplification aims to boost investment, technical obstacles and conflicts often delay projects, while inadequate public understanding of the law has fueled misunderstandings and potential disputes. Effective execution requires stronger collaboration between the government, businesses, and labor unions through improved socialization, robust monitoring, and efficient dispute resolution mechanisms to ensure fair and transparent benefits for all stakeholders.

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