

The Judge's Ratio Decidendi in Resolving Disputes Concerning Workers' Rights Following Termination of Employment

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ABSTRACT

This study is motivated by the increasing number of disputes concerning workers' rights following termination of employment, which have raised legal issues regarding the fulfillment of normative rights and legal protection of workers. This study addresses two research questions: 1) the judges' ratio decidendi in resolving disputes concerning workers' rights following termination of employment; and 2) its implications for the legal protection of workers' rights. Applying a normative legal framework with statutory and conceptual lenses, this research reveals that the court's decision is justified by established facts, evidentiary standards, and employment laws. Consequently, this reinforces legal predictability, protects the rights of employees, and ensures fairness within industrial relations

INTRODUCTION

Embedding human rights protection as a fundamental principle of national governance, Indonesia guarantees its citizens the right to a decent job and standard of living. Article 27, paragraph (2) of the 1945 Constitution establishes that every citizen holds the right to work and a livelihood befitting human dignity. In addition, Article 28D, paragraph (2) explicitly guarantees everyone the right to employment accompanied by equitable compensation and just working conditions (Zainuddin & Karina, 2023).

Derived from an employment agreement, an employment relationship is a legal tie creating mutual rights and duties. Workers must fulfill their agreed-upon tasks, while employers are responsible for paying wages and respecting workers' normative rights. Harmonious employment relations are one of the important factors in supporting productivity and national economic growth. Therefore, clear legal arrangements are needed so that employment relations can run fairly and provide legal certainty for the parties.

Labor protection is further elaborated across a broad framework of employment legislation designed to establish equitable industrial relations and legal predictability for all parties. The cornerstone of this framework is Law Number 13 of 2003 on Manpower, subsequently updated by Law Number 6 of 2023, which ratified Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation. Covering diverse domains such as employment terms, wages, worker safeguarding, and dispute settlement, these laws demonstrate the government's commitment to protecting employees who are economically vulnerable (Fuady, 2013).

Termination of employment is one of the legal events that often causes disputes between workers and employers. Termination of employment not only ends the legal relationship between the two parties, but also has an impact on the loss of the source of income of workers and their families. Therefore, the implementation of termination of employment must be carried out in accordance with applicable legal provisions and pay attention to workers' rights that have been guaranteed by laws and regulations. If procedures and workers' rights are ignored, it has the potential to cause disputes that lead to settlement through legal mechanisms (Hadjon, 2011).

Workers' rights after the termination of employment are an important part that obtains legal protection. These benefits encompass severance compensation, long-service awards, monetary indemnities, and additional rights stipulated under prevailing laws. Fulfilling these obligations is a mandatory duty for employers that cannot be unilaterally dismissed. However, in reality, there are still various cases where workers do not get their rights in full after the employment relationship ends. This condition shows that there is a gap between the applicable legal norms and their implementation in practice (HS & Nurbani, 2019).

Disputes over workers' rights after termination often arise due to differences in interpretation of the rights and obligations of the parties. These differences of views can develop into industrial relations disputes that require settlement through mechanisms that have been determined by laws and

regulations. Disputes that cannot be resolved through deliberation can continue through mediation, conciliation, arbitration, or examination at the Industrial Relations Court. In such conditions, the role of judges is important in determining a settlement based on the facts and applicable legal provisions (Husni, 2021).

The settlement of industrial relations disputes through the courts is not only oriented towards the application of legal norms textually. Judges are also required to consider the facts revealed during the trial process as well as the value of justice in making decisions. This consideration is known as *ratio decidendi*, which is the legal reason on which judges base in making decisions (Khakim, 2020). Through *ratio decidendi*, it can be known how judges interpret laws and regulations, assess evidence, and relate legal facts to applicable legal norms. Therefore, analysis of the judge's *ratio decidendi* is important to understand the direction of application of the law in employment cases.

The judge's *ratio decidendi* also has an important role in determining legal protection for workers. Judges must consider normative provisions and concrete conditions behind the dispute objectively so that the resulting verdict still provides protection for workers' rights guaranteed by law. Thus, *ratio decidendi* is one of the important instruments in realizing justice in industrial relations (Mertokusumo, 2019).

Problems in practice can be seen from the existence of court decisions that cause differences in interpretation of workers' rights after termination of employment. These differences raise questions about the basis of legal considerations used by judges in deciding cases and their conformity with the principle of legal protection for workers. Therefore, a study of *ratio decidendi* is needed to find out how judges apply legal provisions to concrete facts in disputes over workers' rights.

One of the relevant cases to be studied is Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021 which relates to disputes over workers' rights after termination of employment. In this case, the worker filed a legal remedy because he felt that his rights were not fulfilled after being laid off and experiencing termination of employment. The Supreme Court then granted the appeal and provided legal protection for workers' rights that were previously not fulfilled by the company. The decision shows the importance of the role of judges in applying and correcting the application of the law at the previous level, so it is relevant to be studied from the perspective of *ratio decidendi* and legal protection of workers.

The analysis of judicial *ratio decidendi* gains vital relevance following the implementation of Law Number 6 of 2023 on Job Creation, which reshapes labor frameworks such as dismissal procedures and industrial dispute mechanisms. Under this evolving landscape, judicial authorities must interpret the law meticulously while upholding employee protection. Clear legal considerations remain imperative to establish predictability and stability in resolving similar legal disputes.

Previous research shows that there are studies that are related to this research. (Fauzi, 2023) In the study entitled "Ratio Decidendi on Termination of

Employment Disputes (PHK)" discusses the judge's considerations in layoff disputes in general. (Trisnamurti et al., 2023) through the research "Legal Protection of Termination of Employment at PT Hollit International (Analysis of Supreme Court Decision Number 971 K/Pdt. Sus-PHI/2018)" focuses on the legal protection of workers based on the Supreme Court's decision with different case objects. Meanwhile, Miranda Landengtarian (2018) in the research "Legal Protection of Workers' Rights in the event of termination of employment according to Law Number 13 of 2003 concerning Manpower" focuses more on normative protection of workers' rights due to layoffs.

The research gap of this research lies in the absence of a study that specifically analyzes the ratio decidendi of judges in the Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021 as well as linking it to legal protection of workers' rights after layoffs. The difference between this study and previous research lies in the object of the decision, the focus of the dispute over workers' rights, and the analysis of the relationship between the judge's consideration and the legal protection provided to workers. The novelty of this research lies in the analysis of the judge's ratio decidendi in the case and its implications for the legal protection of workers' rights after termination of employment.

Based on the background mentioned above, the problem can be formulated, namely how is the judge's ratio decidendi in resolving disputes over workers' rights after termination of employment?, and what are the implications of the judge's ratio decidendi on the legal protection of workers' rights after termination of employment?

LITERATURE REVIEW

Ratio decidendi is a legal reason or consideration that is the basis for judges in making a decision. According to Peter Mahmud Marzuki, the judge's consideration is an important part of the process of applying the law because the judge must connect the legal facts with relevant legal norms to obtain a settlement for the case being examined. Sudikno Mertokusumo also explained that the judge's decision is basically the application of the law to the concrete events examined in court. From a legal perspective, the obligation of judges to provide sound legal arguments aligns with Article 5, paragraph (1) of Law Number 48 of 2009 regarding Judicial Power, which stipulates that judges must uncover, examine, and absorb society's living legal values and pursuit of justice. Therefore, within the scope of this study, ratio decidendi refers to the judicial reasoning anchored in factual evidence, proofs, and prevailing statutory provisions to resolve employment termination disputes (Asikin, 2018).

Disputes of rights constitute industrial relations disagreements arising from mismatched applications or interpretations of rights mandated by statutory provisions, labor pacts, company policies, or collective agreements. As noted by Lalu Husni (via Rahardjo, 2014), while general industrial relations disputes involve conflicting opinions or interests between employers and employees, rights disputes are specifically focused on honoring established entitlements. Law Number 2 of 2004 on Industrial Relations Dispute Settlement provides the legal basis for handling these cases, beginning with bipartite negotiations and advancing to formal dispute resolution procedures when necessary. For this

research, rights disputes pertain specifically to unmet workers' rights following employment termination, with their resolution evaluated based on the judges' legal reasoning in Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021.

The rights of workers originate from the legal ties established between employees and employers, rooted in labor laws, employment pacts, company regulations, and collective agreements. According to Zainal Asikin, employment relationships rely on labor contracts characterized by work performance, wage provision, and subordinate orders, creating reciprocal duties and entitlements. From a constitutional standpoint, these rights are protected by Articles 27(2) and 28D(2) of the 1945 Constitution, which guarantee job opportunities, humane standards of living, and equitable treatment in the workplace. These mandates are detailed further in the Manpower Law (Law No. 13 of 2003 and its amendment via Law No. 6 of 2023). Therefore, within this research, workers' rights refer to normative provisions applicable both during employment and post-termination, including compensation due upon dismissal (Soekanto, 2014).

The termination of an employment relationship constitutes the breakdown of the working ties between employee and employer, ending their legal association and altering their duties. As noted by Abdul Khakim, layoffs occur under specific conditions that sever the connection and corresponding obligations of both parties. The statutory framework for dismissals is anchored in the Manpower Law (Law No. 13 of 2003, updated by Law No. 6 of 2023) and elaborated in Government Regulation No. 35 of 2021. Aside from ending employment, layoffs obligate employers to disburse statutory payments such as severance, long-service bonuses, and compensation money according to valid regulations. Discrepancies surrounding the fulfillment of these post-termination entitlements often result in rights disputes that must be resolved through industrial relations channels (Subekti, 2014).

Legal protection for workers is an effort to provide guarantees so that workers' rights can be fulfilled in accordance with applicable legal provisions. According to Philipus M. Hadjon, legal protection is an effort to provide protection to legal subjects through available legal provisions and mechanisms. In industrial relations, legal protection is needed because there are differences in positions between workers and employers so that legal provisions are needed that guarantee the fulfillment of workers' rights. This protection is even more important after layoffs because workers no longer earn income from employment relationships, while there are still rights that must be fulfilled by employers. In the context of this research, legal protection is not only seen from the existence of laws and regulations, but also from the application of the law through court decisions, especially how the judge's ratio decidendi in Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021 provides a basis for resolving workers' rights disputes and provides certainty for the fulfillment of workers' rights after layoffs (Marzuki, 2021).

Relevant previous research shows that there is a difference in focus with this study. Siti (2023) through a study entitled "Ratio Decidendi on Termination of Employment Disputes (PHK)" discusses the ratio decidendi of judges in layoff disputes, while this study specifically examines the dispute over workers' rights

after layoffs based on Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021. Iis Priyani and Indra Rahmatullah (2021) through a study entitled "Legal Protection for Termination of Employment at PT Holliit International (Analysis of Supreme Court Decision Number 971 K/Pdt. Sus-PHI/2018)" discussed the legal protection of workers based on Supreme Court decisions that are different from the object of this research. Meanwhile, Miranda Landengtarian (2018) in a study entitled "Legal Protection of Workers' Rights in the Event of Termination of Employment According to Law Number 13 of 2003 concerning Manpower" focuses more on normative protection of workers' rights due to layoffs. Based on the previous research, this study focuses on the ratio decidendi of judges in resolving disputes over workers' rights after layoffs through Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021 and examines its implications for the legal protection of workers' rights.

METHODOLOGY

Utilizing a normative legal research framework, this study focuses on examining legal rules concerning worker protection post-dismissal. It incorporates legislative and case-based approaches through the review of labor laws and relevant court verdicts. This methodology is designed to uncover the foundational legal arguments applied by judges during labor dispute resolutions. By connecting legal facts, applicable norms, and judicial reasoning, the study sheds light on how ratio decidendi is practiced in settling employment disputes.

The data used in this study was obtained through literature studies by collecting various legal materials related to the problems being studied. Primary legal materials consist of laws and court decisions, while secondary legal materials are obtained from books, scientific journals, and other relevant legal papers. All of these legal materials are analyzed qualitatively through a process of assessment and interpretation to obtain a complete understanding of the legal issues being studied. The analysis was carried out systematically to identify the implications of the judge's ratio decidendi on the protection of workers' rights after termination of employment. The results of the analysis were then compiled in the form of a description explaining the relationship between judges' considerations and legal protection for workers.

RESEARCH RESULT AND DISCUSSION

Ratio Decidendi of Judges in Settlement of Disputes of Workers' Rights After Termination of Employment

Ratio decidendi is a legal reason used by judges as a basis for making a decision on a case being examined. In disputes over workers' rights after termination of employment, ratio decidendi is an important element because it determines the direction of dispute resolution based on legal facts and the provisions of applicable laws and regulations. Judges not only play the role of law applicators, but also as enforcers of justice who are tasked with providing protection for the rights of the parties to the dispute. This position is in line with Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power

which requires judges to explore, follow, and understand legal values and a sense of justice that lives in society. Therefore, ratio decidendi is the main foundation in realizing decisions that reflect legal certainty and justice (Scott, 2022).

Disputes over workers' rights after the termination of employment are generally related to the non-fulfillment of normative rights that should be received by workers. These rights can be in the form of unpaid wages, severance pay, service award money, or other rights guaranteed by laws and regulations. In examining the case, the judge must first ensure that there is a legitimate employment relationship between the worker and the employer. The existence of the employment relationship is the basis for determining the birth of rights and obligations for each party. Thus, the facts of the employment relationship are an important part considered in building the judge's ratio decidendi (Wijayanti, 2018).

In determining the basis for his consideration, the judge is guided by the provisions of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. This provision regulates workers' rights arising from the termination of employment relationships, including the obligation of employers to fulfill workers' rights in accordance with legal provisions. In addition, Article 156 regulates the provision of severance pay, service award money, and compensation as a form of protection for workers who have been terminated from employment. The judge in his ratio decidendi is obliged to consider these provisions so that the resulting decision does not conflict with the applicable law. Thus, the normative basis is one of the main elements in the judge's consideration (Aminah, 2022).

In addition to paying attention to workers' rights, the judge also assesses whether the procedure for termination of employment has been carried out in accordance with the provisions of the law. Article 151 of Law Number 13 of 2003 in conjunction with Law Number 6 of 2023 stipulates that termination of employment must be avoided and carried out through predetermined procedures. If the employer terminates employment unilaterally without complying with the applicable procedures, then the action can be considered contrary to the law. In such conditions, the judge can declare that the worker is entitled to legal protection for his rights that have been violated. Consideration of the procedure for termination of employment is an important part in forming the ratio decidendi of judges (Arliman, 2021).

The judge's ratio decidendi is also built based on the evidentiary process carried out during the trial. Every argument submitted by workers or employers must be supported by valid evidence so that it can be considered as a legal fact. The judge then assesses the evidence to determine the truth of the events that are the subject of the dispute. The results of this proof are the basis for the judge to connect legal facts with applicable legal norms. Therefore, the quality of the ratio decidendi is greatly influenced by the accuracy of the judge in assessing and describing the facts proven at the trial (Fauzi, 2023).

The importance of ratio decidendi can be seen in the Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021 related to disputes over workers'

rights after termination of employment. In this case, the Supreme Court considered that workers still have rights that must be fulfilled by the company even though the company has reason to experience difficulties due to the pandemic. The legal considerations used are not only based on the company's circumstances, but also on the employer's legal obligation to fulfill workers' rights that have been guaranteed by laws and regulations. Through the ratio decidendi, the Supreme Court provides legal protection for workers' rights that were previously not fulfilled properly. The decision shows that the ratio decidendi has an important role in maintaining a balance between the interests of workers and employers.

The judge's ratio decidendi not only functions as a legal reason in a decision, but also as a means of legal protection for workers. Proper legal considerations can prevent arbitrary actions that harm workers in industrial relations. In addition, ratio decidendi that is prepared clearly and logically is able to provide legal certainty regarding the rights and obligations of the parties. Clarity of legal considerations can also be a guideline in resolving cases that have similar characteristics in the future. Therefore, ratio decidendi has an important contribution to the development of labor law in Indonesia.

Based on this description, it can be understood that the judge's ratio decidendi in resolving disputes over workers' rights after termination of employment is built through a combination of legal facts, evidence, and the provisions of applicable laws and regulations. Judges must ensure that every legal consideration used is able to provide protection for workers' rights without ignoring the principles of legal certainty and justice. The legal basis used includes the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 in conjunction with Law Number 6 of 2023, Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, and Law Number 48 of 2009 concerning Judicial Power. Through the right ratio decidendi, judges can produce decisions that not only resolve disputes, but also provide effective legal protection for workers. Thus, ratio decidendi is the main element in realizing justice in the settlement of industrial relations disputes.

Implications of the Judge's Ratio Decidendi on the Legal Protection of Workers' Rights After Termination of Employment

The judge's ratio decidendi has a very important influence on the legal protection of workers' rights after the termination of employment. The legal considerations used by the judge are the basis for determining whether workers' rights have been fulfilled in accordance with the provisions of the applicable laws and regulations. Through the ratio decidendi, the judge can provide an objective assessment of the employer's actions that are suspected of violating workers' rights. A decision based on proper legal considerations will create legal certainty for the parties to the dispute. Therefore, ratio decidendi not only functions as a legal reason in the decision, but also as a means of protection for workers' rights.

Legal protection for workers has basically been guaranteed in Article 27 paragraph (2) and Article 28D paragraph (2) of the Constitution of the Republic of Indonesia in 1945. Both provisions affirm that every citizen has the right to get a job and fair treatment in employment relations. In practice, these constitutional

guarantees are realized through various labor regulations that regulate the rights and obligations of workers and employers. When there is a dispute due to termination of employment, judges have the responsibility to ensure that workers' constitutional rights are protected. Thus, the judge's *ratio decidendi* is an instrument that links constitutional protection with the application of the law in concrete cases (Kurniawan, 2021).

The first implication of the judge's *ratio decidendi* can be seen from the creation of legal certainty for workers' rights after termination of employment. Legal certainty is needed so that workers know what rights they are entitled to receive after the termination of the employment relationship. Through clear legal considerations, the judge affirmed the application of the provisions in Law Number 13 of 2003 in conjunction with Law Number 6 of 2023. This clarity provides guidelines for workers and employers in understanding the legal consequences of termination of employment. As a result, the potential for violations of workers' rights can be minimized through a better understanding of the applicable legal rules (Prasetyo, 2020).

The next implication is the realization of protection for the normative rights of workers arising from the termination of the employment relationship. These rights include severance pay, service award money, compensation money, and other rights guaranteed by laws and regulations. In many cases, the judge's *ratio decidendi* is the basis for determining the amount and form of rights that must be fulfilled by the employer. If the judge finds that there is a violation of the workers' rights, the decision can order the employer to fulfill its obligations. Thus, the *ratio decidendi* contributes directly to the guarantee of workers' rights after termination of employment (Nurul Sari, 2023: p. 47).

In addition to providing protection for workers, the *ratio decidendi* of the judge also has implications for the creation of a balance in industrial relations. The judge not only considers the interests of the workers, but also pays attention to the rights and obligations of the employer based on the facts revealed in the trial. Balanced consideration is needed so that the resulting verdict does not cause injustice to one of the parties. In this context, the *ratio decidendi* functions as a means to place workers and employers in an equal position before the law. Therefore, the legal protection provided through the judge's decision still pays attention to the principle of justice for all parties involved.

Based on this description, it can be understood that the judge's *ratio decidendi* has broad implications for the legal protection of workers' rights after termination of employment. Proper legal considerations are able to ensure legal certainty, protect the normative rights of workers, create a balance in industrial relations, and increase compliance with labor laws. These implications are in line with the legal goals that require the realization of justice, utility, and legal certainty in society. Based on the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 in conjunction with Law Number 6 of 2023, Law Number 2 of 2004, and Law Number 48 of 2009, judges have a strong basis for providing protection to workers through their decisions. Therefore, *ratio decidendi* is a very decisive element in realizing effective legal protection for workers after the end of the employment relationship.

CONCLUSIONS AND RECOMMENDATIONS

The judge's ratio decidendi in resolving disputes over workers' rights after termination of employment is based on the assessment of legal facts, evidence, and the application of the provisions of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023, Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, and Law Number 48 of 2009 concerning Judicial Power. The judge's consideration not only pays attention to the formal aspects of termination of employment, but also ensures the fulfillment of workers' normative rights arising from the termination of the employment relationship. In Supreme Court Decision Number 1034 K/Pdt.Sus-PHI/2021, these considerations show that workers' rights continue to be protected even if the employer presents reasons related to the company's condition. The ratio decidendi also provides legal certainty and maintains a balance of interests between workers and employers in industrial relations.

This study has limitations because it uses a normative legal approach with the main object of one decision, so it has not empirically described the application of judges' considerations and the implementation of the fulfillment of workers' rights after termination of employment in practice. Therefore, the next study is recommended to use several decisions of the Industrial Relations Court and the Supreme Court as comparative objects and combine them with an empirical approach. Thus, the next study can provide a more comprehensive picture of the consistency of judges' ratio decidendi and the effectiveness of legal protection for workers' rights after termination of employment..

ADVANCED RESEARCH

Future research is recommended to examine a broader range of decisions from Industrial Relations Courts and the Supreme Court concerning disputes over workers' rights following termination of employment. Comparative analysis of multiple decisions may provide a more comprehensive understanding of the consistency of judges' ratio decidendi in interpreting and applying labor regulations. Furthermore, future studies may employ an empirical or socio-legal approach to examine the implementation of court decisions and the actual fulfillment of workers' normative rights after termination. Such research could contribute to a deeper understanding of the effectiveness of legal protection and the implementation of workers' rights within industrial relations.

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