



Effectiveness of government regulation number 35 of 2021 and company regulations on granting sanctions letters to workers at pt X

Ayu Aulia Rahmitasari¹, Siti Hajati Hoesin²

^{1,2}Fakultas Hukum, Universitas Indonesia, Depok, Indonesia

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ABSTRACT

Manpower laws and regulations regarding the granting of sanctions letters to workers at PT. X that violates the provisions in the company regulations and/or employment agreement has not been fully implemented. Given the violation committed by the company by providing sanctions letters in the form of warning letters that are not consecutive to workers. Using non-doctrinal or empirical research methods, the main data sources used are secondary data supported by primary data from interviews with several informants and primary legal materials consisting of laws and regulations (Law No. 13 of 2003 concerning Manpower, Perpu No. 2 of 2022 concerning Job Creation, and PP No. 35 of 2021 concerning PKWT, Outsourcing, Rest Time, and Working Time, and Layoffs). This type of research is doctrinal or juridical normative. The nature of this research is qualitative research. So this paper will analyze how effective PP No. 35 of 2021 and Company Regulations are on granting sanctions letters to workers at PT. X and the factors that play a role in the effectiveness of the rule.

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Corresponding Author:

Siti Hajati Hoesin

Faculty Of Law

Universitas Indonesia

Jl. Prof. Mr Djokosoetono, Pondok Cina, Kecamatan Beji, Kota Depok, Jawa Barat 16424

Email: sitihajati@yahoo.com

1. INTRODUCTION

According to Article 1 paragraph 3 of the 1945 Constitution (1945 Constitution), Indonesia is a constitutional state. Because the rule of law is the supreme and highest order in the administration of the state in Indonesia, it follows that all attitudes, actions, and behaviors on the part of the state apparatus and the populace must be founded on and in line with the law. (Ni'matul Huda 2009) The restrictions and commands contained in the state's legal code help to maintain a peaceful and secure society. Therefore, a process of establishing a statutory regulation carried out by a government agency is required to enforce the law.

Positive law, such as statutes and regulations, has as its primary goal the control of all elements of human existence. The area of Labor Law is one that is governed by statute. All issues pertaining to labor, both before and after the working time, fall under the purview of Labor Law, or Labor Law as it was formerly known, under Article 1, point 1 of Law No. 13 of 2003 concerning Manpower. The term "Labor Law" is used to refer to both the formal and informal rules that govern the workplace. Article 3 of Law No. 13 of 2003 Concerning Manpower (hereafter referred to as the Manpower Law) specifies that the development of human resources is to be conducted in accordance with the principle of integration through functional coordination between the national and regional levels. Therefore, human resource development is accomplished through a system of interdependent, mutually beneficial partnerships. (Eko Wahyudi 2016)

To put it simply, labor law's purpose is to ensure that all parties involved in an employment relationship are able to coexist peacefully. (Rachmat Trijono 2014) This means that the Labor Law's primary goal is to protect workers from harm, with the broader objectives of ensuring that all workers are afforded the same opportunities and are treated fairly regardless of their demographic background in order to advance the economic and social well-being of all workers and their families commercial sector. The Labor Law governs issues like workplace policies and contracts.

A labor agreement is an agreement between two parties (employees and employers) that serves as the basis for the relationship between them. According to the Manpower Act, "a work agreement is an agreement between a worker/laborer and an employer or employer that contains the terms of employment, the rights and obligations of the parties," among other things. There must be a comparison of the parties' (employers and employees) position or type of work, location, wage and payment terms, working conditions (including the rights and obligations of employers and employees), start and end dates, and signatures for a work agreement to be valid. According to Article 13 letter f of PP No. 35 of 2021, all employment contracts must be revised to conform to new laws and regulations, as well as any changes to working conditions that have been mandated by internal company policies or collective bargaining agreements.

Government Regulation in Lieu of Law Number 2 of 2022 Concerning Job Creation (hereinafter referred to as Perpu Cipta Kerja) does not alter the arrangements for making company regulations, so the Manpower Law's enactment of regulations regarding company regulations remains in effect. Articles 108 through 115 of the Manpower Law govern the procedures to be followed while creating corporate regulations. If it employs more than ten (ten) workers or laborers, the Manpower Law requires it to possess and formulate corporate laws that become effective after being ratified by an authorized authority (Article 108). If a firm already has a collective labor agreement in place, however, the establishment of the company regulations is not applicable. According to Article 109 of the Manpower Law, companies are responsible for creating their own internal regulations. The rights and duties of the parties, employment conditions, corporate policies, and the regulations' duration of validity are the bare minimum of what should be included in the firm's regulations. In addition, the provisions contained in the company regulations must not conflict with the provisions of applicable laws and regulations. According to Article 113, paragraphs (1) and (2) of the Manpower Law, changes to the substance of business regulations prior to the expiration of their validity term can only be implemented based on an agreement between employees and laborers. Looking at the meat of these firm rules, the need to govern how employees and employers interact in the workplace is paramount. corporation regulations are a unilateral tool of the corporation in the form of prohibitions and directions, so if they contain norms of behavior, they will be understood. Article 1601c of the Civil Code establishes that any employee who resides with their employer must maintain the cleanliness and decorum of the employer's home as a minimum standard for his or her conduct while on the job. (Ari Hernawan 2013) business regulations are defined as regulations set in writing by employers that comprise work conditions and business norms, per Article 1 number 12 of Government Regulation Number 35 of 2021 covering PKWT, Outsourcing, Rest Time and Working Time, and Termination of Employment. Companies routinely issue letters of censure to employees who have broken corporate regulations based on the corporation's own view of the substance of the terms of employment or company rules.

rule for imposing penalties on employees currently relates to the Job Creation Perpu, which is outlined in greater detail in PP No. 35 of 2021. This is because the Manpower Law's rule regulating the issuing of penalty letters was repealed by the Job Creation Perpu. According to the Explanation of Article 52 of PP No. 35 of 2021, businesses must issue warning letters in a certain order or series, or they can write internal rules specifying which infractions warrant first and final warnings.

Sanctioning procedures for employee misconduct have been drafted with as much specificity as feasible. This rule is now seen as positive legislation and is being applied to all of the company's operations. Companies are required to issue penalty letters in accordance with laws and regulations, however in fact, the execution of the rules for issuing punishment letters is deemed to still not be effective and ideal.

Discrepancies remain at the level of implementation that should be carried out as specified in existing and applicable regulations, suggesting that the process of issuing letters of sanctions to employees has not been carried out optimally based on the results of initial observations.

2. RESEARCH METHOD

This research uses normative doctrinal or juridical research methods, the main data source used is secondary data which is supported by primary data from interviews with several informants and primary legal materials consisting of laws and regulations (Law No. 13 of 2003 concerning Manpower, Perpu No. 2 of 2022 concerning Job Creation, and PP No. 35 of 2021 concerning PKWT, Outsourcing, Rest Time, and Working Time, and Layoffs. However, secondary and tertiary legal materials are also needed. The nature of this research is qualitative research which based on research results which are clearly described using words so this research examines how effective Government Regulation Number 35 of 2021 and Company Regulations are regarding the provision of sanctions letters to workers at PT X, along with the factors that play a role in the effectiveness of these regulations.

3. RESULTS AND DISCUSSIONS

Juridical review or labor rules regarding the application of granting sanctions to workers

Whereas, there are two distinct forms of law that may be used to labor law: autonomous rules and heteronomous rules. Autonomous rules are provisions or legal rules that are determined based on the provisions of the parties (between employees and firms) who have a working connection as set forth in the agreement. Furthermore, laws and regulations issued by the competent government are examples of legal instruments that contain provisions or rules that are determined and stipulated by third parties outside of work relations; these are known as heteronomous legal rules. dominant.(Mani 2019)

Heteronomy, the model of industrial relations established by a country, is one such aspect that affects the growth of an independent system. Because of the prevalence of the Civil Law System in Indonesia, government-issued legislation and regulations are the primary sources for employment law in the nation. The corporate model of industrial relations that Indonesia has chosen is influenced by the country's legal structure. The corporatis paradigm is defined as one in which legislation is used to set restrictions on worker-employer interactions, working conditions, rights, and duties. primary sources of legislation, such as statutes and regulations. Laws and regulations governing the workplace can be distilled into a stand-alone legal rule in the form of a collective bargaining agreement, an employee handbook, or a business policy. Given that statutes are the primary source of law, it is imperative that autonomous rule formulation not ignore heteronomous legal norms in the form of statutory regulations.(Suwandi and Wardana 2022)

The regulations should be minimal with respect to employees' rights and maximal with respect to their responsibilities. PT X establishes corporate policies and negotiates contracts for services independently. Workers are subject to restrictions in the form of prohibitions and instructions outlined in corporate policies and employment contracts. Work agreements must substantially detail the rights and responsibilities of the parties (employers and employees) in light of applicable legal rules and/or working conditions established by Company Regulations or Collective Bargaining Agreements. Article 114 of the Labor Law and Article 119 of PP No. 35 of 2021 include the following definitions of "work agreement." "An agreement between workers / workers and employers or employers containing the conditions of work, rights, and obligations of the parties."

If that's the case, it follows that the work agreement's definition and substance, along with specific elements that must be included in the work agreement, will have a direct relationship to the material included in the company's rules. Both corporate instruments should control the substance of all relevant conditions and events, employment terms, rights and responsibilities of the parties, and so on. This is further supported by the fact that, as per Article 61 paragraph (1) of the Manpower Law, employment contracts can be terminated for a variety of reasons, including the occurrence of predetermined conditions or events specified in the contract itself, in the rules and regulations of the employer, or in collective bargaining agreements. Employees sign a contract indicating that they understand and agree to the terms outlined in the company's policies. A warning letter will be sent

as a form of disciplinary action in the event that the employee again breaches the terms of the company's rules or the terms of the employment agreement. Because a warning letter does not always result in termination of employment, it is often used as a tool by companies to avoid having to lay off employees. The process of laying off employees is neither sudden or hurried, and employees may even be offered a second chance to meet the requirements of their position.

PT X may use counseling, verbal or written warnings, or warning letters to address workers' negligence or violations of corporate conditions included in company regulations or labor agreements. Article 161 paragraph (1) of the Manpower Law specifies that if an employee violates provisions stipulated in work agreements, company regulations, or collective bargaining agreements, the employer may terminate the employee's employment after issuing a first, second, and third warning letter in that order. Unless otherwise indicated in the employment contract, corporate laws, or collective bargaining agreement, a warning letter is only effective for a maximum of six (6) months.

Furthermore, in the paragraph that governs the validity time of warning letters, it is mentioned that each warning letter may be sent consecutively or not, depending on the terms of the employment contract, the company's rules, or the collective bargaining agreement. Therefore, it may be claimed that the requirements for a breach are unique to each letter of sentence. If the warning letter has expired or is no longer valid and the employee subsequently repeats the same error or violation, the warning letter supplied by the employee goes back to the first warning letter and so on. This article further clarifies that businesses have leeway to define their own categories of infractions for which first and final warnings may be issued.

The initial and final warning periods each last 6 (six) months, meaning that if the employee makes a mistake or breaches the firm's conditions within that time, the company can terminate the employment relationship. The goal of providing a 6-month reprieve is to give employees time to learn from their mistakes and make the necessary adjustments.

In most cases, the severity of a worker's punishment may be determined by the nature of the infraction. A third warning letter or instant termination may be issued in conjunction with specific offenses. The grounds for layoffs are a crucial factor in establishing the legality and assurance of the rights that workers will get in the future after being laid off. According to the Labor Law, a worker's employment can be terminated (PHK) if two conditions are met: the worker commits an offense, or makes a serious mistake that falls under the category of serious mistakes; and the employer issues a warning letter as a form of sanction.

That in most cases, an employment relationship involves an agreement between an employee and an employer to set forth the terms of that employee's and the employer's relationship, including the rights and responsibilities of each party, the nature of the work to be performed, and any other conditions under which the parties agree to work. Employees are subject to disciplinary action for any breach of the terms of the employment contract or the policies and procedures of the organization. This action may take the form of a verbal reprimand, a written warning, or a combination of both.

After the promulgation of Government Regulation in Lieu of Law Number 2 of 2022 Concerning Job Creation (hereinafter referred to as the Job Creation Perppu), the provisions regarding the issuance of sanction letters contained in the Manpower Law were deleted, and the purpose of the warning letter was regulated in Article 151 paragraph (1) of the Job Creation Perppu, which states that businesses, employees, and the government must all do their part to ensure that there is adequate employment opportunity for all. PP No. 35 of 2021 goes into further information about these agreements in terms of PKWT, outsourcing, working time, rest time, and layoffs. PP No. 35 of 2022, Article 36 letter k, states that termination of employment (PHK) can occur for several reasons, including the worker's violation of the provisions stipulated in the work agreement, company regulations, or collective bargaining agreement, and the worker's receipt of the first, second, and third warning letters. Unless otherwise specified in the applicable labor agreement, corporate laws, or collective bargaining agreement, the maximum duration of each of these letters is six (6) months. In addition, the rights accorded to the following are detailed in Article 52 paragraph (1) of PP No. 35 of 2021: Severance pay of 0.5 (zero point five) times the provisions of Article 40 paragraph (2); Service award money of 1 (one) time the provisions of Article 40 paragraph (3); and Reimbursement money in accordance with the provisions of Article 40 paragraph (4)."

Article 52 paragraph (1) of PP No. 35 of 2022 specifies that warning letters must be sent in a sequential fashion; the first warning letter has an efficacy term of 6 (six) months. If an employee violates the terms of their employment contract, the company's rules, or the terms of a collective bargaining agreement within six (6) months of receiving a warning letter, the company may issue a second warning letter with the same validity period of six (6) months. If the employee continues to break the rules after receiving a second warning, the employer can issue a third and final warning that will remain in effect for six months from the day it was issued. Taking into account workers' rights guaranteed by law, the company may carry out Termination of Employment (PHK) if the three employees continue to violate the provisions contained in the work agreement, company regulations, or collective labor agreement within the time limit for the warning letter. act.

In addition, if a worker violates the provisions contained in the work agreement, company regulations, or collective bargaining agreement more than 6 (six) months after the issuance of the first warning letter, the warning letter issued by the entrepreneur is to return to the beginning or the first warning letter, and the same holds true for the second and third warnings. Work agreements, firm regulations, and collective bargaining agreements all have the authority to provide first and final warnings for breaches of this Article. The initial and final warning periods each last 6 (six) months, meaning that if the employee makes a mistake or breaches the firm's conditions within that time, the company can terminate the employment relationship. Six months is enough time for companies to evaluate employees and educate them on how to fix their faults, and the grace period is meant to let them do just that.

The Labor Law and Government Regulation No. 35 of 2021 establish procedures for issuing warning letters as a form of disciplinary action against employees who violate similar provisions in employment contracts, internal company policies, and collective bargaining agreements. In contrast to PP No. 35 of 2021, which mandates that warning letters be issued sequentially as an initial mitigating measure against the form of legal protection for workers against termination of employment (PHK), the Manpower Law does not specify how a warning letter should be issued. Sequential words, as defined by KBBI, proceed in a predetermined order or in a succession.

Although Indonesia's positive legislation governing overtime has been relatively explicit, there is room for extra specific provisions from employers in the form of work agreements, corporate policies, or collective labor agreements. Sanction letters to employees are governed by PT X policy, which is based on business regulations and, secondarily, on agreements between employers and employees. In accordance with Article 36 letter k and Article 52 paragraph (1) and the explanation in PP No. 35 of 2021, PT X has detailed in Articles 36, 37, and 38 of the Company Regulations (PP) the types or criteria for violations that can be given warning letters (first, second, and third), as well as the first and last warning letters and the procedures for giving warning letters. In addition, PT X has made derivative regulations for the PP in the Decree of the Board of Directors Concerning Criteria and Handling of Violations, which states that the provisions for issuing sanction letters are in the form of warning letters, particularly the first, second, and third warning letters given to employees in a sequential or tiered fashion. The corporation has also established categories for infractions that warrant either a first or final warning. The corporation's policy of sending letters of reprimand to employees who repeatedly breach corporate policies and agreements is, therefore, final and enforceable on all employees.

Therefore, it is safe to say that the system for issuing formal warnings and other forms of disciplinary action—both externally, in the form of statutory laws, and internally, in the form of business regulations—has been well-regulated and orderly.

A contract is an agreement in which the participants vow to perform specific actions. Frequently, the term agreement is also referred to as contract (contract). A contract and an agreement are synonymous because the point is that the parties reach an agreement regarding the things agreed upon and are obligated to obey and implement them, thereby creating a legal relationship known as an agreement. Thus, contracts and agreements can give rise to rights and obligations for the contracting parties, as the contract itself is considered a formal source of law.

There are two types of hypotheses regarding the interpretation of the agreement: the old theory and the new theory. Article 1313 of the Civil Code defines a contract as “an act by which one or more parties bind themselves to one or more individuals.”

Factors playing a role in the effectiveness of PP no. 35 of 2021 and pt X company regulations on sanctioning workers

The Effectiveness of the Implementation of PP No. 35 of 2021 and Company Regulations of PT. X on the Application of Sanctions to Workers

Regulations, judgments, and orders are not enough to make the law honest in achieving the norms, promises, prohibitions, and directives contained therein and achieve the aims of the law. As a natural consequence of the formulation of these absolute legal goals, the application of the law necessitates legal topics. In theory, a law that has never been put into practice is not really a law at all. That's why it's safe to say that the law adheres to the definition of law as something that has to be carried out.

In practice, the role of law is inseparable from its material manifestation. The scope of the legal function necessitates that it be guided by a set of general and particular legal goals. Here's how we've defined those functions: Law serves as a social control mechanism because it establishes what kinds of conduct violate the law and what kind of measures or punishments are allowed to be performed when this occurs; Since the purpose of law is to facilitate social engineering, it follows that the law may be utilized to effect social transformation. Because of this, the purpose of this law is crucial in bringing about social and cultural shifts.

From what has been discussed so far, it is clear that one of law's duties is to serve as a means of social control. Alternatively, one could say that law serves as a means by which society is altered. Putting legal principles into practice and into people's daily lives is essential if the law is to serve its purpose. Law enforcement is a typical name for this particular manifestation. Simply put, law enforcement is the process of using people and their actions to uphold a legal order and make concrete the legal aspirations that have their origins in theoretical concepts. The Police is a TV series. The success of law enforcement has a major impact on how well the law is applied, hence the two are intrinsically linked.

Suitability between what is governed by law and its execution is the essence of legal efficacy. The effectiveness of the legislation depends on its ability to be implemented in everyday society. What needs to be addressed and quantified when talking about the efficacy of the law is the degree to which the rule of law is adhered to and not adhered to. In other words, we may say that the law is effective if it is generally followed and achieves the goals it set out to achieve. The capacity to bring about the kinds of outcomes that are legally sought or anticipated is called "legal effectiveness." If a legal rule or procedure has been put into practice, it is said to have "taken effect." Issues of application, implementation, and enforcement of law in society are strongly connected to challenges in legal efficacy in achieving legal goals.

William Evan, Hans Kelsen, Soerjono Soekanto, and others in the legal community have all contributed to the development of the notion of legal efficacy. When law is seen as an instrument for social change, the following are, in William Evan's words, the circumstances that impact the efficacy of legislation: (Soekanto 1985) Whether the new source of law is authoritative and authoritative; Whether the law has been properly explained and given justification bases, both from the point of view of the law itself and from a socio-historical point of view; Whether the models of obedience are known and publishable; Whether the time period required for its transition period has been well considered; Whether law enforcers have shown a sense of connection to the new rules; Whether the implementation of sanctions can be carried out to support the law; and Is there absolute protection for the people affected in the event of an offence.

From what has been said, it is apparent that social control is one of the roles of law. One alternative is to view legislation as a tool for social transformation. If the law is to accomplish anything, it must be incorporated into people's everyday lives as a matter of course. It is commonly referred to in the context of law enforcement. Law enforcement, in its most basic definition, is the application of human resources to sustain a legal order and give physical form to the abstract goals of law. It's a show about cops on television. The effectiveness of law enforcement has a direct bearing on the extent to which the law is really followed. (Yudho Winarno and Heri Tjandrasari 1987)

Legal effectiveness hinges on a fit between what is controlled by law and how that legislation is carried out. Legislation is just as useful as its capacity to be put into practice. The degree to which

the rule of law is followed to and not adhered to is what has to be addressed and assessed when discussing the effectiveness of the law. If the legislation is usually obeyed and produces the desired results, then we may say that it is effective. Legal efficacy is the ability to achieve the sorts of results that are sought or expected in a legal context. As soon as a new law or policy is implemented, it is said to have "taken effect." Problems with the efficiency with which the law accomplishes its aims are intimately linked to problems with the law's application, implementation, and enforcement in society. (Mashari 2012)

The concept of legal effectiveness has been developed by a number of legal scholars, including William Evan, Hans Kelsen, Soerjono Soekanto, and others. In William Evan's words, when the law is viewed as a tool for social change, the following factors affect the legislation's effectiveness: Its own legal factors (legislation); (Rahardjo 1983); Law enforcement factors, parties who form the law and apply the law; Factors of facilities and facilities that support the implementation of the law; Community factors, namely the environment in which the law applies and is applied; and Cultural factors, namely as the result of work, creation, and taste based on human charities in the association of life.

Together, the aforementioned five components form the backbone of law enforcement and serve as a yardstick for measuring the success of enforcing the law. In a nutshell, one of the five variables listed above impacts the application of law, either as a supportive factor or an inhibiting factor, in activities or people's lives. (Hernawan 2013)

According to the foregoing explanations of the definitions of different legal professionals, legal efficacy may be defined as the percentage of the population whose behavior is in conformity with the law. To demonstrate the efficacy of the law, consider the fact that everyone is subject to doing or refraining from doing anything mandated by the law. When individuals do what is wanted and required by the law, we say that the law has been completely or effectively implemented. A rule's usefulness can be gauged by the degree to which it is followed. Therefore, it is possible to say that the efficiency of the legislation is measured by the degree to which the public complies with the law. Obedience to the rule of law is a key determinant of the effectiveness of any given legal system. So that we may confidently declare that the law has fully accomplished its intended purpose of safeguarding the rights and interests of society. (Tantimin and Sinukaban 2021)

It is the degree to which legal subjects obey a rule of law that serves as a proxy for the efficacy of the law, as described in the aforementioned definition and influencing elements. If the effort to instill principles or values on the rule of law is made, if the community responds positively in terms of accepting and complying with the rule of law, and if the time frame for instilling the law is extended in a manner that is expected to yield results, then the effort can be said to be effective. Thus, the legal goals of justice, benefit, and certainty are ideally accomplished in its execution if the degree of conformity with the rule of law is high and the elements determining it are satisfied. (Iswaningsih and others 2021)

There is a discrepancy in the correct implementation of the sanction in the form of a warning letter to workers, specifically in this case where the employee's direct supervisor is involved because the company carries out a warning letter sanction not sequentially as required by law. Because of the subjective nature of the organization, it is able to provide warning letters that are not consecutive. If this occurs, the objective of labor law, which is to ensure employees' rights to justice and welfare and their ability to provide for themselves and their families, may be undermined. This issue prevents the fundamental goals of employment law from being realized in absolute terms, in addition to the legal objectives in terms of expediency. (Wahjono 2015)

Several issues with the efficacy of PP No. 35 Years and Company Regulations have arisen, as evidenced by the results of interviews with PT X informants. Facts from the field regarding qualifications or criteria for violations and the procedure for issuing a letter of sanction that can be given a warning letter (first, second, or third) or the first and last warning letters, or a sanction in the form of Termination of Employment as stipulated in PP No. 35 have been outlined in Article 36, Arti Sanctions in the form of warning letters, namely the first, second, and third warning letters, must be sent in a sequential or staggered fashion, as stated in paragraph 37(4) of PP PT PX. Therefore, it is fair to say that the policy of sending workers a series of escalating warning letters applies to all employees of the firm. Some workers, however, are not handled fairly in practice, with fines instead

leading to a second or third warning letter, or even termination. Workers who break them are supposed to be deterred by the enforcement of uniform punishments, yet this runs counter to the law.(Jayadi Ahkam 2015)

According to Article 151 paragraph (1) of the Perpu Cipta Kerja, which states that companies, workers, and the government must make every effort to ensure that there is no termination of employment (PHK), the law requires the issuance of a series of warning letters, each of which has a validity period. Worker ownership of the evaluation and improvement of the quality of their own work is being encouraged alongside attempts to create a more cooperative work environment inside the organization. A warning letter's main function is to make the offending employee aware of the rules he has broken and to provide evidence that may be utilized in determining the employee's performance.(Usman 2009)

The situation at PT X described above has the potential to create, or has already caused, unfairness to workers, and is being handled not to prevent layoffs but to hasten their occurrence. There are inequalities in the socioeconomic status of employers and workers before an employment connection is formed. Given that the employee depends on the employer for his livelihood even though one of his normative rights is abolished, the employee's position can be said to be weaker than the employer's position, making it impossible to separate from the influence of the employer. Because of this, it's possible that PP No. 35 of 2021 and PT. X won't function as intended will really come into force.(Agus 2020)

All interview results indicated that the company was aware of the existence of legal instruments such as laws and regulations as well as internal company regulations (company regulations and directors' decrees) which sequentially regulated the issuance of warning letters, but that it lacked a thorough understanding of the warning letters' contents and procedures. The government's effectiveness in disseminating lawful goods to the public is reflected in the fact that the corporation is aware of this situation. Publication Periodical No. 35 of 2021 has been successfully published thanks to this work. The primary objectives of the legislation and labor law are not truly produced as they should be, thus it is clear that the implementation of PP No. 35 of 2021 concerning the sending of penalty letters to workers has not been successful or ideal.(Prihatin 2007)

Generally speaking, the embodiment of the law stems from the entrepreneur's own legal awareness, which is why the occurrence of infractions of statutory provisions is based on a lack of legal awareness of the organization. Furthermore, from a regulatory standpoint, the Job Creation Perpu and PP No. 35 of 2021 has been considered as a positive law that applies and is generally binding, meaning that if there are naughty businessmen who violate this matter, they must be given sanctions in accordance with what has been determined by laws and regulations.(Kaufmann 2007)

Factors Playing a Role in the Effectiveness of PP No. 35 of 2021 and Company Regulations of PT. X on Granting Sanctions Letters to Workers

According to interviews with key informants, the success of PP No. 35 of 2021 and PT. X against the issuing of penalty letters in the form of consecutive warning letters to workers depends on a number of criteria, including the ones listed below.

The acts of law enforcement, in the form of supervision and enforcement of legal protection against the application of a rule in corporate operations, are indispensable to the efficacy of a legislative regulation. The law enforcer in question is a certified expert in human resources. Labor inspectors have a responsibility to ensure that legal requirements are being followed by businesses. Therefore, it is important that the supervisory role be carried out as effectively as possible in order to fulfill its constitutional purpose, which is to safeguard employees' rights and the long-term health of the sector.(Fathammubina and Rani Apriani 2018; Akbar and Slamet 2017)

Working as one of PT. X's employee coaching counselors, I can attest to the fact that PP No. 35 of 2021, which mandates that companies issue sanction letters in the form of sequential warning letters to workers lacking supervision, has not been properly monitored by authorized manpower officials. Indirectly, this allows businesses to ignore regulations that require them to provide workers a series of warning letters before taking disciplinary action. Meanwhile, one PT. X worker, outside of the manpower officials authorized to implement PP No. 35 of 2021, believes that PT. X should be involved in supervising the implementation of Company Regulations and its derivative regulations, either as a function inherent in existing work units or by establishing a new

work unit tasked with supervising and monitoring company compliance in accordance with the supervisory duties and functions of This is done to ensure that all laws and company guidelines are followed when put into practice.(Darmawan and P.L. Tobing. 2022)

The theory of legal fiction holds that at the time a law is promulgated, everyone is presumed to know the applicable law, so law enforcers can take non-legal efforts such as outreach or knowledge sharing to companies on labor laws and regulations in addition to supervision. The government agency authorized in the field of employment, the company's human resources department, PT. X, or any other parties with the ability to provide an explanation regarding the company's obligation to issue warning letters sequentially to employees are all parties that can engage in non-legal efforts.(Azzahra 2020)

The study shows that the elements related to law enforcement are the ones that help the case the most. Factors pointing to a lack of oversight in the form of labor inspections or audits of industrial participants, in this case corporations, by the person in charge of the manpower sector. This lack of regulation also leads to actions that break regulations against the development of good working relations, which is explained by the fact that firms and workers come from different socioeconomic backgrounds.(Purnomo and Chessa Ario Jani. 2018)

Societal Aspects

The nature of the law's target also affects its efficacy. The extent to which rules and regulations are effectively implemented is also affected by the level of legal literacy among all industry participants. But actual conditions were not what had been anticipated. Companies are hesitant to completely defend workers' rights in line with what is commanded by laws and regulations because of a lack of awareness about the purpose or core of the labor legislation itself. There is also a lack of legal understanding on the part of certain corporations as industry actors that may impose guidelines regulating the sequence of warning letters given to employees. In addition, many employees just aren't aware of their rights. An employee's failure to understand the consequences of receiving many warning letters in a row may result in a breach of legally protected rights.(Parinduri 2019)

In addition, the company is aware that there are rules, both general and internal rules, governing the issuance of sequential warning letters to workers in accordance with PP No. 35 of 2021 and PT. X, but it does not have a clear and definite understanding of the substance of these rules. The fact that PT. X still breaks the overtime policy for various reasons is consistent with this. One of PT X's higher-ups confirmed this when he said the cell company lacked legal expertise.

4. CONCLUSION

Law no. 13 of 2003 concerning Manpower, as amended in Perpu no. 2 of 2022 concerning Job Creation, and PP no. 35 of 2021 concerning PKWT, Outsourcing, Working Time, and Rest Time, and Layoffs, constitute the primary positive law and statutory regulations governing the issuance of sanction letters in the form of sequential warning letters to employees at PT. X. Meanwhile, PT. X's internal legal instruments are governed by the Decree of the Board of Directors Regarding Criteria and Handling of Violations, which may be found in the company's rules. There is an undeniable connection between the substance of the firm's terms and the employment contract between the employee and the company. In line with the goals of the labor legislation, this has become an endeavor to prevent layoffs and boost the livelihood of respectable employees while also improving the welfare and quality of life for workers and their families.(Novita and Ria Ayu. 2017)

The degree to which persons comply with the law is a measure of the law's efficacy. In order to avoid layoffs, as required by PP No. 35 of 2021, the company has formed a Company Regulation, in which PT. X has stipulated that the issuance of sanction letters in the form of first, second, and third warning letters must be carried out sequentially or tiered. According to the information gathered through the aforementioned interviews, the problems that have arisen at PT. X suggest that the implementation of PP No. 35 of 2021 and PT. X with regard to the issuance of sequential warning letters to workers has not been optimal or as effective as it should have been. This is because there are a number of factors that influence the success or failure of such an implementation. This runs counter to the goal of labor legislation, which is to ensure the safety, security, and fair treatment of workers and their families in the workplace. This issue prevents the fundamental goals of employment law from being realized in absolute terms, in addition to the legal objectives in terms of

expediency. Law enforcement and community considerations also contribute to the success of PP No. 35 of 2021, which mandates the sequential delivery of warning letters to PT employees. The success of PP No. 35 in the Year 2021 depends on both of these aspects. (Suwadji and Yuniarti Tri 2019)

Suggestions for future research, then can provide a further study of the study written by the author in terms of how the right to distribute commissions to notary office workers on staff who work in cases where he also has more contribution therein, how to grant rights as workers related to leave rights, overtime rights as stipulated in labor laws.

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