

## COMPARATION OF LAW NUMBER 13 YEAR 2003 CONCERNING LABOR WITH LAW NUMBER 11 OF 2020 CONCERNING WORKING CREATION TOWARD SEVERANCE PAY FOR LABOR

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### ABSTRACT

*The research method used in this research is a normative juridical research method with a statutory and literature approach while the purpose of the research is to find out the similarities and differences between Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation regarding granting severance pay for labor. The results of this study indicate that each worker is legally given severance pay by the company or agency, the form and amount of severance pay given by the company / agency must be different by each company. Even though they are different, there must be a clear legal basis which is proven by the applicable law. The laws used are Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation which is specifically regulated in article 156. In both laws there are several similarities and differences. The similarity is in verse 1, verse 2, verse 3 and verse 5. While the difference is in verse 4 letter c. Housing compensation as well as medication and treatment is set at 15% (fifteen percent) of the severance pay and / or service pay for those who meet the requirements. Not found in Law no. 11 of 2020 article 165 paragraph 4. So there needs to be a regulation under it in the form of a Government Regulation that regulates equality and its follow-up regarding the arrangement of differences and their follow-up.*

**Keywords:** Comparison, severance pay, employment, Law Number 13 of 2003, Law Number 11 of 2020.

### INTRODUCTION

In living everyday life, humans try to make ends meet. The needs of every human being are different depending on the financial ability and purchasing power of that person. The financial ability and purchasing power of a person is influenced by the income for the work he does for a certain period of time (Wijayanti, Asri. 2017). Viewed from the socio-economic aspect, the position of workers is not free, this is because as workers they have no other choice but to work for other people to earn income to meet their daily needs (Wijayanti, Asri. 2018).

Based on Article 1 point 3 of Law Number 13 Year 2003 concerning Manpower, workers are required to receive wages or other forms of remuneration (this is the worker's right). In this case, workers are required to receive severance pay from the employer /company where they work, this is a form of employment relationship and the obligation of the entrepreneur /company to take responsibility for the welfare of the workforce (Husni, Lalu. 2016).

The problem of giving severance pay to workers is crucial, this is because severance pay is very much needed for the survival of workers in their daily lives (Fahrojih, Ikhwan. 2016). Therefore, the Government through the Act regulates the provision of severance pay for workers so that in its implementation it does not violate the rules and rights of obligations according to the work agreement. For example, in Article 156 paragraph (1) of Law Number 13 Year 2003 concerning Manpower, which states "In the event of termination of employment, employers are required to pay severance pay and / or service pay and compensation money which should have been received (Asikin, Zainal. 2016).

The legal rules regarding severance pay still focus on Law Number 13 of 2003 concerning Manpower until in 2020 the Government made controversial news by enacting a new policy in the form of drafting and enacting Law Number 11 of 2020 concerning Job Creation as a new legal product called the Omnibus Law. Law Number 11 of 2020 concerning Job Creation is quite controversial because the regulations set are detrimental to several layers of society, this is exacerbated by the lack of socialization regarding the Omnibus Law system which is still unfamiliar to the general public. In Law Number 11 of 2020 concerning Job Creation, it turns out that it revises several articles that were previously contained in Law Number 13 of 2003 concerning Manpower, especially articles regarding the provision of severance pay for workers. There is also an article previously contained in Law Number 13 of 2003 concerning Manpower regarding the severance pay chapter which was apparently abolished in Law Number 11 of 2020 concerning Job Creation. Things like that create controversy in society, especially the labor and labor groups. Workers and laborers consider that they are disadvantaged by the enactment of the new article rules in Law Number 11 of 2020 concerning Job Creation, especially with the issue of severance pay, the rules of which are changed in the latest Law. Reporting from Kompas.com, the controversial law that was passed by the government is Law Number 11 of 2020 concerning Job Creation. Meanwhile, the Job Creation Bill, there are several changes. In article 156 point 2 of Law Number 13 Year 2003 concerning Manpower, it is stated that the calculation of severance pay is given "at least" in accordance with the detailed provisions that exist. Meanwhile, in article 156 of the Job Creation Bill, severance pay is given "at most" based on the same details as Law Number 13 of 2003. The difference in rights compensation that workers should receive in Law Number 11 of 2020 concerning Work Creation is different from that of Law Number 13 of 2003 concerning Manpower. The compensation money that should be received includes: Annual leave that has not been taken and has not failed; Return costs or fees for workers / laborers and their families to the place where workers are accepted to work. Other matters stipulated in work agreements, company regulations or collective working agreements. In Law Number 11 of 2020 concerning Job Creation, the article regarding additional severance pay that workers receive if the company

performs efficiency is removed. Meanwhile, the maximum amount of severance pay for workers affected by layoffs drops to 25 times their wages. Namely consisting of 19 times the monthly wage and 6 times the Job Loss Guarantee (JKP) <https://www.kompas.com/tren/read/2020/10/06/183000165/beda-aturan-phk-di-uu-ketenagakerjaan-dan-omnibus-law-cipta-kerja?page=all>.

**RESEARCH METHODS**

This research uses a normative juridical research method with a statutory approach, namely an approach that is carried out by examining all laws and regulations related to the case or legal issue to be investigated (Marzuki Peter Mahmud. 2011). In the statutory approach method, it is necessary to understand the hierarchy of statutory regulations and the principles in statutory regulations. In addition to using a statutory approach, the author also uses a library research approach to collect secondary data. The literature approach is an approach that aims to obtain data that is carried out through the process of reading, writing, then processing it with various sources of literature, books, notes, magazines, in order to obtain answers to legal problems being researched (Muhamad, Iqbal. 2018).

**RESULT AND DISCUSSION**

**Understanding the Omnibus Law**

Omnibus Law etymologically comes from the Latin *omnis* which means all or many. According to Barbara Sinclair, the Omnibus law is a regulatory formation mechanism that takes a long time to resolve due to the large and complex content of discussion. Based on the Black Law Dictionary, Omnibus law is something that deals with many materials or issues that are put together. In the history of its development, Omnibus law is not a new phenomenon in the world of law (Rahardjo, Satjipto.1981). The concept of Omnibus law already exists and has developed from countries that adhere to the anglo-saxon or common law legal system, such as the United States, United Kingdom, Canada, etc (Putra, Antoni. 2020). The practice of Omnibus law has even been practiced as a drafter of regulations since 1970 as pointed out by Glen S. Krutz and Hitching in Ahmad Ulil Aedi's book (Aedi, Ulil Ahmad, Sakti Lazuardi, Ditta Chandra Putri, 2020). The concept of Omnibus law is generally applied to solve problems regarding laws that are too many or overlapping in a country. Omnibus law is the right formula to summarize and accelerate the regulation of problematic and complex laws and regulations. By applying the concept of state Omnibus law, in this case the Government can reduce wasted time and reduce the state budget. The definition of the concept of Omnibus law is found in Law Number 11 of 2020 which explains that the Omnibus law is a process of drafting regulations that is generally applied in common law countries, where the implementation mechanism is called a *legistating omnibus* and the resulting product is called an omnibus bill. Even though the Omnibus law is an alternative solution to the problem of legislation, this concept cannot be applied just like that in Indonesia, considering that Indonesia adheres to a European continental legal system or civil law. The implementation of the Omnibus law in Indonesia must be adjusted to the national personality and the constitutional system that has been formed since Indonesia's independence. With many controversies arising from the application of the Omnibus law concept in Indonesia, this concept has the following benefits (Busroh, Firman Freaddy. 2017):

1. As a legal instrument to resolve regulatory conflicts effectively, efficiently and quickly;
2. Can simplify the bureaucratic process that was previously long and complicated;
3. Harmonizing policies at the central level with the regions so as to improve the investment climate;
4. Improving the quality of coordination between governments and among related agencies and institutions, both at the central and regional levels because it has been regulated in an integrated omnibus law policy;
5. The level of ease of doing business is getting easier because licensing arrangements are becoming more effective, efficient and centralized;
6. Providing legal certainty and legal protection guarantees for decision makers and the public.

**Table 1: Comparison of Number 13 of 2003 concerning Manpower with Law Number 11 of 2020 concerning Job Creation Regarding the Giving of Severance Pay**

Law No. 13 of 2003 concerning Manpower Art 156	Similarities and differences	Law No. 11 of 2020 concerning Job Creation Art 156
Verse 1		Verse 1
In the event of termination of employment, the employer is obliged to pay severance pay and / or service pay and compensation for entitlements that should have been received.	Equation; 1. termination of employment, the entrepreneur is obliged to pay severance pay. 2. and / or service pay and compensation money which should have been received. Difference: UU no. 13 of 2003 uses the word "required to pay severance pay" while	In the event of termination of employment, the employer is obliged to pay severance pay and / or service pay and compensation for entitlements that should have been received.

	Law no. 11 of 2020 uses the word "obliged to pay severance pay".	
Verse 2		Verse 2
<p>The calculation of severance pay as referred to in paragraph (1) shall be at least as follows:</p> <ol style="list-style-type: none"> <li>a. work period of less than 1 (one) year, 1 (one) month of wages;</li> <li>b. work period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages;</li> <li>c. work period of 2 (two) years or more but less than 3 (three) years, 3 (three) months of wages;</li> <li>d. work period of 3 (three) years or more but less than 4 (four) years, 4 (four) months of wages;</li> <li>e. work period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages;</li> <li>f. work period of 5 (five) years or more, but less than 6 (six) years, 6 (six) months of wages;</li> <li>g. work period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months of wages.</li> <li>h. work period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages;</li> <li>i. work period of 8 (eight) years or more, 9 (nine) months of wages.</li> </ol>	<p>Equation;</p> <ol style="list-style-type: none"> <li>1. work period of less than 1 (one) year, 1 (one) month of wages;</li> <li>2. a work period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages;</li> <li>3. Working period of 2 (two) years or more but less than 3 (three) years, 3 (three) months of wages;</li> <li>4. Working period of 3 (three) years or more but less than 4 (four) years, 4 (four) months of wages;</li> <li>5. Working period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages;</li> <li>6. a work period of 5 (five) years or more, but less than 6 (six) years, 6 (six) months of wages;</li> <li>7. Working period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months of wages;</li> <li>8. Working period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages;</li> <li>9. Working period of 8 (eight) years or more, 9 (nine) months of wages.</li> </ol> <p>Difference: In Law no. 13 of 2003 there is the word "at least" to determine the calculation of severance pay, while in Law no. 11 of 2020 the word is abolished</p>	<p>The severance pay as referred to in paragraph (1) shall be given in accordance with the following conditions:</p> <ol style="list-style-type: none"> <li>a. work period of less than 1 (one) year, 1 (one) month of wages;</li> <li>b. work period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages;</li> <li>c. work period of 2 (two) years or more but less than 3 (three) years, 3 (three) months of wages;</li> <li>d. work period of 3 (three) years or more but less than 4 (four) years, 4 (four) months of wages;</li> <li>e. work period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages;</li> <li>f. work period of 5 (five) years or more, but less than 6 (six) years, 6 (six) months of wages;</li> <li>g. work period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months of wages;</li> <li>h. work period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages;</li> <li>i. work period of 8 (eight) years or more, 9 (nine) months of wages.</li> </ol>
Verse 3		Verse 3
<p>The calculation of the work period award money as referred to in paragraph (1) is stipulated as follows:</p> <ol style="list-style-type: none"> <li>a. working period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages;</li> <li>b. work period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages;</li> <li>c. work period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;</li> <li>d. work period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months of wages;</li> <li>e. work period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;</li> <li>f. work period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven) months of wages;</li> <li>g. work period of 21 (twenty one) years or more but less than 24 (twenty four) years, 8 (eight) months of wages;</li> <li>h. work period of 24 (twenty four) years or more, 10 (ten) months of wages.</li> </ol>	<p>Equation;</p> <ol style="list-style-type: none"> <li>1. a work period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages;</li> <li>2. Working period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages;</li> <li>3. Working period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;</li> <li>4. Service period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months</li> <li>5. wage;</li> <li>6. Working period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;</li> <li>7. a working period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven)</li> <li>8. month of wages;</li> <li>9. 7. Working period of 21 (twenty one) years or more but less than 24 (twenty four) years, 8 (eight) months of wages;</li> <li>10. 8. Working period of 24 (twenty four) years or more, 10 (ten) months of wages.</li> </ol> <p>Difference: (No differences were found)</p>	<p>The work period award money as referred to in paragraph (1) shall be given at most in accordance with the following provisions:</p> <ol style="list-style-type: none"> <li>a. working period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages;</li> <li>b. work period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages;</li> <li>c. work period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;</li> <li>d. work period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months</li> <li>e. wage;</li> <li>f. work period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;</li> <li>g. work period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven)</li> <li>h. month of wages;</li> <li>i. work period of 21 (twenty one) years or more but less than 24 (twenty four) years, 8 (eight) months of wages;</li> </ol>

		j . work period of 24 (twenty four) years or more, 10 (ten) months of wages.
Verse 4		Verse 4
The compensation money that should be received as referred to in paragraph (1) includes: a. annual leave that has not been taken and has not failed; b. cost or return fee for workers / laborers and their families to the place where workers / laborers are accepted to work; c. housing compensation as well as medication and care is set at 15% (fifteen percent) of the severance pay and / or service pay for those who meet the requirements; d. other matters stipulated in the work agreement, company regulations or collective labor agreement.	Equation; 1. annual leave that has not been taken and has not failed; 2. Return costs or fees for the worker / laborer and their family to the place where the worker / laborer is accepted to work; 3. other matters stipulated in the work agreement, company regulations or work agreement together.  Difference: Housing compensation as well as medication and treatment is set at 15% (fifteen percent) of the severance pay and / or service pay for those who meet the requirements.  In Law no. 11 of 2020 article 156 (No differences were found)	The compensation money that should be received as referred to in paragraph (1) includes:  a. annual leave that has not been taken and has not failed; b. cost or return fee for the worker / laborer and their family to the place where the worker / laborer is accepted to work; c. accepted to work; d. other matters stipulated in the work agreement, company regulations or work agreement together. e . together.
Verse 5		Verse 5
Changes in the calculation of severance pay, the calculation of the reward for years of service, and compensation for rights as referred to in paragraph (2), paragraph (3), and paragraph (4) shall be stipulated by a Government Regulation.	Equation; 1. Further provisions regarding the provision of severance pay, 2. service period award money, 3. and compensation money as referred to in paragraph (2), paragraph (3), and paragraph (4) 4. regulated by Government Regulation.  Difference: (No difference was found)	Further provisions regarding the provision of severance pay, period of service pay, and compensation for rights as referred to in paragraph (2), paragraph (3), and paragraph (4) shall be regulated in a Government Regulation.
Law No. 13 of 2003 concerning Manpower Art 157	Similarities and differences	Law No. 11 of 2020 concerning Job Creation Art 157
Verse 1		Verse 1
he components of wages that are used as the basis for calculating severance pay, period of service pay, and compensation for rights that should be received which are delayed consist of: a. basic wage; b. All kinds of permanent allowances given to workers/laborers and their families, including the purchase price of supplies given to workers /laborers free of charge, which if the workers /laborers have to pay subsidies for the supplies, then the wages are deemed to be the difference between prices. a purchase at a price that must be paid by the worker / laborer.	Equation; The wage component as the basis for severance pay is based on the basic wage and fixed allowances.  Difference: In Law no. 13 of 2003 fixed allowances in the form of all kinds of allowances up to the purchase price of supplies, while in Law no. 11 of 2020 only mentions fixed allowances given to workers / laborers and their families.	The components of the wages used as the basis for calculating severance pay and service pay consist of: a. basic wage; and b. permanent allowance given to workers / laborers and their families.
Law No. 13 of 2003 concerning Manpower Art 162 Regarding severance pay	Similarities and differences	Law No. 11 of 2020 concerning Job Creation Art 162 Regarding severance pay
Paragraph 1: Workers / laborers who resign on their own accord, receive	Deleted	Deleted (No chapter 162)

<p>compensation for their rights in accordance with the provisions of Article 156 paragraph (4). Paragraph 2: For workers / laborers who resign on their own accord, whose duties and functions do not directly represent the interests of the entrepreneur, in addition to receiving compensation money in accordance with the provisions of Article 156 paragraph (4), separation money is given, the amount and implementation of which is regulated in a work agreement. company regulations or collective bargaining agreements.</p>	<p>Article 162 of Law No. 13 of 2003 is abolished in Law no. 11 of 2020.</p>	
<p>Law No. 13 of 2003 concerning Manpower Art 163 Regarding severance pay</p>	<p>Similarities and differences</p>	<p>Law No. 11 of 2020 concerning Job Creation Art 163 Regarding severance pay</p>
<p>Paragraph 1: Entrepreneurs can terminate employment of workers / laborers in the event of a change in status, merger, consolidation, or change in ownership of the company and the worker / laborer is not willing to continue working relations, then the worker / laborer is entitled to severance pay of 1 ( one) time according to the provisions of Article 156 paragraph (2), 1 (one) time reward for the provisions of Article 156 paragraph (3) and compensation for rights according to the provisions in Article 156 paragraph (4). Paragraph 2: Entrepreneurs can terminate the employment of workers / laborers due to changes in status, merger, or consolidation of companies, and entrepreneurs are not willing to accept workers / laborers in their company, so workers / laborers are entitled to severance pay of 2 (two) times the provisions of Article 156 paragraph (2), reward money for the period of service for 1 (one) time the provisions in Article 156 paragraph (3), and compensation money for rights according to the provisions in Article 156 paragraph (4).</p>	<p>Deleted Article 163 of Law No. 13 of 2003 is abolished in Law no. 11 of 2020.</p>	<p>Deleted (No chapter 163)</p>
<p>Law No. 13 of 2003 concerning Manpower Art 164 Regarding severance pay</p>	<p>Similarities and differences</p>	<p>Law No. 11 of 2020 concerning Job Creation Art 164 Regarding severance pay</p>
<p>Paragraph 1: Entrepreneurs can terminate the employment of workers / laborers because the company is closed because the company has suffered continuous losses for 2 (two) years, or a force majeure, provided that the worker / laborer is entitled to severance pay of 1 (one) time the provisions of Article 156 paragraph (2) the work period award money is 1 (one) time the provisions of Article 156 paragraph (3) and rights</p>	<p>Deleted Article 164 of Law No. 13 of 2003 is abolished in Law no. 11 of 2020.</p>	<p>Deleted (No chapter 164)</p>

<p>compensation money according to the provisions of Article 156 paragraph (4). Paragraph 2: Company losses as referred to in paragraph (1) must be proven by a financial report for the last 2 (two) years that has been audited by a public accountant. Paragraph 3: Entrepreneurs can terminate the employment of workers / laborers because the company is closed, not because they have suffered losses for 2 (two) consecutive years or not because of force majeure, but the company carries out efficiency, provided that the worker / laborer has the right to money. severance pay amounting to 2 (two) times the provisions of Article 156 paragraph (2), the reward pay for the work period of 1 (one) time the provisions of Article 156 paragraph (3) and compensation for rights in accordance with the provisions of Article 156 paragraph (4).</p>		
<p>Law No. 13 of 2003 concerning Manpower Art 165 Regarding severance pay</p>	<p>Similarities and differences</p>	<p>Law No. 11 of 2020 concerning Job Creation Art 165 Regarding severance pay</p>
<p>Employers can terminate the work relationship of workers / laborers because the company is bankrupt, provided that the worker / laborer is entitled to severance pay of 1 (one) time the provisions of Article 156 paragraph (2), reward money for working period of 1 (one) time the provisions of Article 156 paragraph (3) and compensation money according to the provisions of Article 156 paragraph (4).</p>	<p>Deleted Article 165 of Law No. 13 of 2003 is abolished in Law no. 11 of 2020.</p>	<p>Deleted (No chapter 165)</p>
<p>Law No. 13 of 2003 concerning Manpower Art 166 Regarding severance pay</p>	<p>Similarities and differences</p>	<p>Law No. 11 of 2020 concerning Job Creation Art 166 Regarding severance pay</p>
<p>In the event that the employment relationship ends because the worker / laborer has passed away, the heirs are given an amount of money which is calculated equal to the calculation of 2 (two) times the severance pay according to the provisions of Article 156 paragraph (2), 1 (one) time reward for the period of service in accordance with the calculation. the provisions of Article 156 paragraph (3), and compensation for rights according to the provisions of Article 156 paragraph (4).</p>	<p>Deleted Article 166 of Law No. 13 of 2003 is abolished in Law no. 11 of 2020.</p>	<p>Deleted (No chapter 166)</p>

Various levels of society, especially the workers, have protested the existence of the Job Creation Law as evidenced by the series of demonstrations that took place. The public rejects the Job Creation Law both in its drafting procedure and in its substance. One of the substances that received the most reaction from the public was the labor cluster which changed at least four laws, especially the Manpower Law. The workforce cluster in the Job Creation Law is considered not to provide a solution to the problems of industrial relations practices between workers and employers / companies but instead adds to the problem (Risfa, Izzati Nabiyla. 2020). The problem begins with the severance pay cut for workers and workers who have been terminated by the company, in this

context workers, laborers, and the community reject the draft work copyright law which is considered not pro-people and does not side with the welfare of the workforce.

The starting point of the problem related to severance pay lies in Article 89 Paragraph 45 of the Job Creation Bill, which changes the provisions of Article 156 of the Manpower Act. The Job Creation Bill which discusses severance pay mentions several provisions for calculating severance pay which have been amended from Article 156 Paragraph 1 of the Manpower Law which has been amended to "In the event of termination of employment, employers are required to pay severance pay and / or period of service pay". Then in Article 156 Paragraph 3 of the Manpower Law, the amendments in letters (g) and (h) are amended with the provision of letter (g) which states "The work period is 21 years or more, 8 months of wages". This change is an effort in order to eliminate the calculation of severance pay according to the length of service as stipulated that a work period of 24 years or more will get 10 months of wages received by workers (F, Kurniawan. 2020). Various levels of society, especially the workers, have protested the existence of the Job Creation Law as evidenced by the series of demonstrations that took place. The public rejects the Job Creation Law both in its drafting procedure and in its substance. One of the substances that received the most reaction from the public was the labor cluster which changed at least four laws, especially the Manpower Law. The workforce cluster in the Job Creation Law is considered not to provide a solution to the problems of industrial relations practices between workers and employers / companies but instead adds to the problem. Meanwhile, the comparison formula for calculating severance pay for workers in accordance with Law Number 13 of 2003 concerning Manpower is that for a service period of 24 years or more, the calculation of severance pay is  $1.15 \times (2 \times 9 + 1 \times 10) = 32.2$  times the wage. Meanwhile, the calculation of severance pay according to Law No.11 of 2020 concerning Job Creation is the coefficient of 1.15 reduced to 1. So that assuming the formula is the same, the calculation of severance pay is:  $1 \times (2 \times 9 + 1 \times 10) = 28$  times. The following is a description of the components of the service reward pay.

1. A period of work of 3 years or more but less than 6 years, earning an award of 2 months of wages
2. Working period of 6 years or more but less than 9 years, get reward money equal to 3 months of wages
3. Working period of 9 years or more but less than 12 years, get reward money of 4 months of wages
4. Working periods of 12 years or more but less than 15 years, get a reward of 5 months of wages
5. Working periods of 15 years or more but less than 18 years, get a reward of 6 months of wages
6. Working period of 18 years or more but less than 21 years, will be rewarded with 7 months of wages
7. The work period of 21 years or more but less than 24 years, will receive an award of 8 months of wages
8. Working period of 24 years or more, get reward money equal to 10 months of wages.

Based on the results of comparisons between Law Number 13 of 2003 concerning Manpower and Law Number 11 of 2020 concerning Job Creation, which discusses the provision of severance pay for workers, several similarities and differences are found. It appears that many articles still retain the old articles, and do not change their substance. However, there were also those who replaced a few words in the article which allowed for differences in perception. There are also essential articles that have been abolished in Law Number 11 of 2020 concerning Job Creation. As in Article 156 paragraph (4) letter c of Law Number 13 Year 2003 concerning Manpower, which reads "Housing compensation as well as medical treatment and care is set at 15% (fifteen percent) of severance pay and / or service pay for those who meet the requirements. "It turns out that in Law Number 11 of 2020 concerning Job Creation, this rule is abolished, so that if employers or companies apply the latest articles, workers will no longer receive housing compensation as well as treatment and care which is determined to be 15% of the severance pay.

Then in Article 157 paragraph (1) of Law Number 13 of 2003 concerning Manpower, the article of which is shortened in Law Number 11 of 2020 concerning Job Creation. Articles that discuss severance pay in Law Number 13 of 2003 concerning Manpower are removed in Law Number 11 of 2020 concerning Job Creation, such as Articles 162, 163, 164, 165, and 166. Based on the results of this comparison, the enactment of Law Number 11 of 2020 concerning Job Creation, especially which discusses severance pay for workers, can be analyzed using the theory of justice from John Rawls. The principle of the theory of justice according to John Rawls is the importance of using elements of justice in designing decisions and policies that are urgent in a country that upholds moral values. Then John Rawls's theory of justice seeks to outperform the theory of utilitarianism, this is because if a country can realize a social system based on social justice, then matters related to profit, profits will increase in such a way. Based on John Rawls's theory of justice, a meaning can be taken that if a country wants to increase profits and the national economy, social justice must first be manifested in people's lives. Because when people live in prosperity based on John Rawls's theory of justice, their ability to build the country's economy will also be strong and stable (Rawls, John. 1973). With the presence of new laws that tend to be detrimental to workers, it means that the work copyright law has not succeeded in realizing justice in society according to John Rawls's theory of justice.

## CONCLUSIONS AND SUGGESTIONS

In the Manpower Act and the Job Creation Act, a comparison is found like the following:

1. Article 156 paragraph 1 equations; termination of employment, the entrepreneur is obliged to pay severance pay and / or service pay and compensation for entitlements that should have been received. While the difference is Law no. 13 of 2003 uses the word "required to pay severance pay" while Law no. 11 of 2020 uses the word "obliged to pay severance pay".
2. Article 156 paragraph 2 equations; work period of less than 1 (one) year, 1 (one) month of wages; work period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages; work period of 2 (two) years or more but less than 3 (three) years, 3 (three) months of wages; work period of 3 (three) years or more but less than 4 (four) years, 4 (four) months of wages; work period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages; work period of 5 (five) years or more, but

- less than 6 (six) years, 6 (six) months of wages; work period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months of wages; work period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages; work period of 8 (eight) years or more, 9 (nine) months of wages. While the difference is in Law no. 13 of 2003 there is the word "at least" to determine the calculation of severance pay, while in Law no. 11 of 2020 the word is abolished.
3. Article 156 paragraph 3 equations; working period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages; work period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages; work period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages; work period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months wage; work period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages; work period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven) month of wages; service period of 21 (twenty one) years or more but less than 24 (twenty four) years. 8 (eight) months of wages; work period of 24 (twenty four) years or more, 10 (ten) months of wages. While the difference (no differences were found).
  4. Article 156 paragraph 4 equations; annual leave that has not been taken and has not failed; cost or return fee for the worker / laborer and their family to the place where the worker / laborer is accepted to work; other matters stipulated in the work agreement, company regulations or collective labor agreement. Meanwhile, the difference between housing compensation and medication and treatment is set at 15% (fifteen percent) of the severance pay and / or service pay for those who meet the requirements.
  5. Article 156 paragraph 5 equations; further provisions regarding the provision of severance pay; period of service reward money, and compensation money for rights as referred to in paragraph (2), paragraph (3), and paragraph (4); regulated by Government Regulation. While the difference (no differences were found).
  6. Article 157 paragraph 1 equations; the wage component as the basis for severance pay is based on the basic wage and fixed allowances. While the difference is in Law no. 13 of 2003 fixed allowances in the form of all kinds of allowances up to the purchase price of supplies, while in Law no. 11 of 2020 only mentions fixed allowances given to workers / laborers and their families.
  7. Law No. 13 of 2003 concerning Manpower Article 163 Concerning Severance Pay Paragraph 1: Employers can terminate the employment relationship of workers / laborers in the event of a change in status, merger, consolidation, or change in company ownership and workers / laborers are not willing. Continuing the employment relationship, the worker / laborer is entitled to severance pay of 1 (one) time in accordance with the provisions of Article 156 paragraph (2), 1 (one) time reward money for the provisions of Article 156 paragraph (3) and compensation for rights according to the provisions in Article 156 paragraph (4). Paragraph 2: Entrepreneurs can terminate the employment of workers / laborers because of a change in status, merger, or consolidation of companies, and entrepreneurs are not willing to accept workers / laborers in their company, so the worker / laborer is entitled to severance pay equal to 2 (two) times the provisions of Article 156 paragraph (2), reward money for the period of service for 1 (one) time the provisions in Article 156 paragraph (3), and compensation money for rights according to the provisions in Article 156 paragraph (4). Whereas in Law No. 11 of 2020 concerning Job Creation, Article 163 Regarding Severance Pay is removed.
  8. Law No. 13 of 2003 concerning Manpower, Article 164 concerning Severance Pay Paragraph 1: Entrepreneurs can terminate the employment of workers / laborers because the company is closed because the company has suffered continuous losses for 2 (two) years, or a force majeure, provided that the worker / laborer is entitled to severance pay of 1 (one) time the provisions of Article 156 paragraph (2) the work period award money is 1 (one) time the provisions of Article 156 paragraph (3) and rights compensation money according to the provisions of Article 156 paragraph (4). Paragraph 2: Company losses as referred to in paragraph (1) must be proven by a financial report for the last 2 (two) years that has been audited by a public accountant. Paragraph 3: Entrepreneurs can terminate the employment of workers / laborers because the company is closed, not because they have suffered losses for 2 (two) consecutive years or not because of force majeure, but the company carries out efficiency, provided that the worker / laborer has the right to money. severance pay amounting to 2 (two) times the provisions of Article 156 paragraph (2), the reward pay for the work period of 1 (one) time the provisions of Article 156 paragraph (3) and compensation for rights in accordance with the provisions of Article 156 paragraph (4). Meanwhile, in Law No.11 of 2020 concerning Job Creation, Article 164 Concerning Severance Pay is removed.
  9. Law No. 13 of 2003 on Manpower Article 165 Concerning Severance Pay. Employers can terminate the work relationship of workers / laborers because the company is bankrupt, provided that the worker / laborer is entitled to severance pay of 1 (one) time the provisions of Article 156 paragraph (2), reward money for working period of 1 (one) time the provisions of Article 156 paragraph (3) and compensation money according to the provisions of Article 156 paragraph (4). Meanwhile, in Law No.11 of 2020 concerning Job Creation, Article 165 Concerning Severance Pay is removed.
  10. Law No. 13 of 2003 concerning Manpower Article 166 concerning Severance Pay. In the event that the employment relationship ends because the worker / laborer has passed away, the heirs are given an amount of money which is calculated equal to the calculation of 2 (two) times the severance pay according to the provisions of Article 156 paragraph (2), 1 (one) time reward for the period of service in accordance with the calculation. the provisions of Article 156 paragraph (3), and compensation for rights according to the provisions of Article 156 paragraph (4). Whereas in Law No.11 of 2020 concerning Job Creation, Article 166 Concerning Severance Pay is removed.

The suggestion for the Government is that there is a need for revision and evaluation of articles 156, 163, 164, 165 and 166 along with their paragraphs regarding severance pay as well as derivative Government Regulations so as to have implications for the benefit of society and pro-people policies. If the policy is not evaluated, public justice will not be realized, especially justice for workers and laborers. This is done in order to realize justice and public welfare, as well as evidence and responsibility for the presence of the state in dealing with community problems. Do not let the concept of omnibus law and work copyright law only benefit one party and sacrifice the benefit of another. The government should also disseminate information to the public regarding the issue of the omnibus law and the presence of the work copyright law so that the public can know the outline of the law. Meanwhile, the suggestion for the workforce is the need for a professional approach with in-depth academic studies of articles

156, 163, 164, 165 and 166 along with their verses and having audiences with stakeholders to obtain fair rights, so that the community's right to participate in a policy can be well channeled.

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