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Termination of Employment and the Protection of Workers' Rights in Realizing Fair and Harmonious Industrial Relations

Nyimas Atika[1], Netha Putri Farhika[2]
Email: nyimasatika@radenfatah.ac.id[1], nethaputrifarhika@gmail.com[2]
[1,2]Islamic Education Management Study Program, Universitas Islam Negeri Raden Fatah Palembang

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Abstract
Termination of employment is one of the major issues in industrial relations, as it can affect workers' economic stability and the fulfillment of their rights. Although employment termination is regulated by Indonesian laws and regulations, its implementation continues to face various challenges, including non-compliance with termination procedures, inadequate fulfillment of workers' normative rights, weak government supervision, and an imbalance in bargaining power between workers and employers. This article aims to analyze the legal framework and procedures governing employment termination, the forms of legal protection for workers' rights, the mechanisms for resolving industrial relations disputes, and the efforts to establish fair and harmonious industrial relations. This study employs a descriptive qualitative method using a literature review approach by examining relevant academic journals, books, and legislation. The findings indicate that worker protection in cases of employment termination cannot rely solely on the existence of legal regulations. It also requires employers to fulfill their obligations responsibly, effective government supervision, and dispute resolution mechanisms that prioritize dialogue and mutual agreement. This study emphasizes that fair and harmonious industrial relations can be achieved through the integration of legal certainty in employment termination, the fulfillment of workers' rights, effective dispute resolution, and a balanced relationship between workers and employers.

INTRODUCTION

Termination of employment (known in Indonesia as PHK) is an important issue in the world of labor because it relates directly to job continuity, economic well-being, and the fulfillment of workers' rights. Termination is not only the end of the employment relationship between a worker and an employer, but can also have social and economic consequences for workers and their families. Losing a job can reduce sources of income and increase uncertainty in meeting the necessities of life. In industrial relations, employers and workers have different interests: the company is oriented toward efficiency and business continuity, while workers have an interest in obtaining decent work, income, and guaranteed protection. The implementation of termination therefore needs to pay attention to the principles of justice, a balance of interests, and the protection of workers' rights (Surya Perdana, 2024).

In Indonesia, termination of employment and the protection of workers' rights are regulated through Law Number 6 of 2023 on Job Creation and Government Regulation Number 35 of 2021. These regulations set out the grounds and procedures for termination as well as the company's obligation to fulfill workers' rights, such as severance pay, long-service pay, and compensation for entitlements, in accordance with the applicable provisions. Even so, the existence of these regulations has not completely eliminated the various problems in labor practice. Problems are still found in the form of unilateral termination, unclear provision of compensation, and workers' weak bargaining position when facing company decisions. This condition shows that legal protection is not sufficient through the existence of regulations alone, but also requires effective implementation and supervision so that workers' rights can be fulfilled fairly (Aulia, 2024).

A number of previous studies have discussed the issue of termination from various perspectives. The research of Setyawan & Najicha (2024) highlights the legal protection of workers who experience unilateral termination, while Budiarso et al. (2025) discuss the fulfillment of the rights of workers on daily work agreements when termination occurs after the enactment of Law Number 6 of 2023. Furthermore, Fahmi (2025) examines the

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disharmony of termination provisions in the Job Creation Law with the mechanism for resolving industrial relations disputes. These studies show that the issue of termination relates not only to legal procedures, but also to the certainty of fulfilling workers' rights and the mechanisms for resolving disputes between workers and employers.

Based on these previous studies, there is a research gap in the form of a continuing need for studies that integrate the implementation of termination, the protection and fulfillment of workers' rights, and dispute resolution in realizing fair and harmonious industrial relations. Some earlier studies focused more on legal protection in particular termination cases, on the status of the employment relationship, or on inconsistencies in labor regulations. Yet these three aspects are inseparably connected, because fairness in industrial relations is determined not only by the correctness of termination procedures, but also by the fulfillment of workers' rights and by dispute resolution that does not disadvantage either party. A more comprehensive discussion is therefore needed to understand how worker protection can be applied in balance with the interests of the company.

The novelty of this study lies in a discussion that links the implementation of termination and the protection of workers' rights with efforts to realize fair and harmonious industrial relations. This study focuses not only on the legal aspects and the forms of compensation received by workers, but also emphasizes the importance of balancing the interests of workers and employers through dialogue, deliberation, and dispute resolution in accordance with legal provisions. Termination is thus viewed not merely as the end of an employment relationship, but as a process that must be carried out responsibly while respecting the rights and obligations of each party. This approach is expected to provide a more comprehensive understanding of the importance of worker protection in building sustainable industrial relations.

Based on this description, this study aims to analyze the regulation and implementation of termination of employment in Indonesia, to identify the forms of protection for the rights of workers who experience termination, and to examine efforts to resolve disputes in realizing fair and harmonious industrial relations. This study uses a descriptive qualitative method with a literature study approach. Data were obtained by reviewing various written sources, including national scientific journals, books, and legislation relevant to labor issues. The data were then analyzed through identification, comparison, and synthesis of various theories and previous research findings to obtain a comprehensive picture of termination of employment and the protection of workers' rights in Indonesia.

RESEARCH METHOD

This study uses a descriptive qualitative method with a literature study approach. The qualitative method is used to understand and analyze a problem based on information obtained from various written sources, while the descriptive approach aims to describe the phenomenon systematically in accordance with the conditions and problems studied. According to Sugiyono (2022), qualitative research is a research method used to study the condition of objects in their natural setting, with the researcher as the main instrument in the research process. Through this method, the research is directed toward understanding the issues of termination of employment and the protection of workers' rights based on legal provisions and the results of previous research.

Data were collected through a literature study by reviewing various relevant sources, including national scientific journals, academic books, legislation, and scientific publications that discuss labor law, termination of employment, the protection of workers' rights, and industrial relations. The main sources of the research were focused on literature published in recent years, particularly the period 2021–2026, so that the discussion remains in line with developments in regulation and labor issues in Indonesia. According to Zed (2025), a literature study is a research activity carried out by utilizing library sources to obtain the data and information needed to answer the research problem.

The collected data were then analyzed descriptively and qualitatively through several stages, namely identifying relevant sources, grouping information by discussion theme, comparing the results of previous research, and compiling a synthesis of the various literature findings. The analysis focused on three main aspects, namely the regulation and procedures of termination of employment, the forms of protection and fulfillment of workers' rights after termination, and the mechanisms for resolving disputes in realizing fair and harmonious industrial relations. Miles & Huberman (2014) explain that qualitative data analysis includes the processes of data condensation, data display, and drawing and verifying conclusions. With these stages, the research is expected to produce a systematic discussion and give a comprehensive picture of the importance of protecting workers' rights in the implementation of termination in Indonesia.

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RESULTS AND DISCUSSION

Regulation and Procedures of Termination of Employment in Indonesia

Termination of employment is the end of the employment relationship between a worker and an employer, which results in the end of the rights and obligations of both parties. In labor practice, termination can occur for various reasons, such as resignation, expiry of the employment agreement, company losses, efficiency measures, changes in business activities, or other reasons justified by legislation. Although termination is part of the dynamics of the business world, it cannot be carried out arbitrarily because it concerns the livelihood of workers and their families. Every termination decision must therefore have a clear reason, comply with legal procedures, and pay attention to the rights of the affected workers.

The regulation of termination in Indonesia is found in Law Number 13 of 2003 on Manpower as amended by Law Number 6 of 2023 on Job Creation. In addition, Government Regulation Number 35 of 2021 serves as one of the legal bases governing the grounds and mechanisms of termination. In implementation, employers are required to give notice of the intent and reasons for termination to the worker or the trade union. If the worker rejects the decision, a settlement must be sought through bipartite negotiation in accordance with the provisions on industrial relations dispute resolution. Termination is thus viewed not only as a company decision, but also as a legal act that must take workers' interests into account.

Aulia (2024) explains that changes to the regulation of termination after the Job Creation policy came into force raise issues concerning the protection of workers' rights and the balance of bargaining power between workers and employers. In line with this, Laia et al. (2024), through a study of a unilateral termination case at PT Megaauto Finance, found that legal protection of workers still has weaknesses, especially in the enforcement of workers' rights. Both studies show that regulatory changes need to be followed by consistent supervision and law enforcement so as not to create uncertainty for workers.

Another issue to consider is the difference in protection based on the status of the employment relationship. Budiarso et al. (2025) examined the rights of workers on daily work agreements who experience termination after Law Number 6 of 2023 came into force. The results show that daily workers still have the right to labor protection, including compensation and social security in accordance with the applicable provisions. Meanwhile, Komariah (2026) discusses the legal protection of workers on permanent employment agreements (PKWTT) who experience unilateral termination. That study shows that although regulations provide a basis for protection, implementation still faces problems related to workers' bargaining position and the application of termination procedures. This shows that legal protection must take into account the characteristics of the employment relationship, not only the company's reasons for carrying out termination.

Furthermore, Fahmi (2025) examined the disharmony of termination provisions in the Job Creation Law and the Industrial Relations Dispute Settlement Law, as well as its implications for worker protection. That study highlights regulatory synchronization problems that can create uncertainty in the implementation of termination and the settlement of disputes. Compared with the research of Aulia (2024), the problems that arise relate not only to changes in the termination mechanism, but also to the consistency between the regulations governing the termination process and the mechanism for resolving disputes.

Based on these various studies, it can be synthesized that the regulation of termination in Indonesia has provided a legal basis for employers and workers, but its effectiveness still depends on implementation in the field. Companies need to ensure that the reasons for termination can be justified, that procedures are carried out transparently, and that workers are given the opportunity to express objections. Legal certainty in termination is thus seen not only from the existence of regulations, but also from the extent to which those regulations can provide real protection for workers.

Forms of Legal Protection and the Fulfillment of Workers' Rights after Termination

Legal protection of workers is an important part of creating a fair employment relationship. Such protection aims to ensure that workers still obtain their rights even after the employment relationship has ended. In the context of termination, protection relates not only to the prohibition of arbitrary action by employers, but also to the company's obligation to fulfill workers' rights based on length of service, the status of the employment relationship, and the reason for the termination. The end of the employment relationship therefore does not automatically remove the company's responsibility for workers' rights that have not been fulfilled.

Under labor law provisions, workers who experience termination are entitled to compensation in accordance with the applicable provisions, including severance pay, long-service pay, and compensation for entitlements. Severance pay is given as compensation for the end of the employment relationship, while long-service pay takes into account how long the worker has served the company. Compensation for entitlements, meanwhile, is given to fulfill certain rights that the worker has not yet received under legislation. The amount and components of these rights must be adjusted to the reason for termination and the applicable legal provisions, so that not all workers automatically receive the same calculation.

Tanera & Gunadi (2025) explain that unilateral termination without a clear legal basis and without fulfilling workers' rights is contrary to the principle of justice in industrial relations. That study emphasizes that workers who experience termination are entitled to severance pay, long-service pay, and compensation for entitlements in

accordance with the provisions. In line with this, Lahea et al. (2025) found that the fulfillment of workers' rights after termination does not yet fully reflect substantive and procedural justice. That study also highlights the importance of additional protection through the Job Loss Security (JKP) program, especially for workers who lose their source of income.

Amilia et al. (2024) also emphasize the importance of optimizing the provision of employee rights after termination. That study shows that fulfilling workers' rights is a form of corporate responsibility that must be carried out in accordance with legal provisions. Meanwhile, the research of Sumore et al. (2026) on the legal protection of laborers in Decision Number 11/Pdt.Sus/PHI/2024/PN Mdn shows that termination without strong evidence and without meeting legal provisions can harm workers. In such conditions, workers still have the right to obtain compensation in accordance with the applicable regulations. Both studies reinforce the view that worker protection must be realized through the actual fulfillment of rights, not merely through normative recognition in regulations.

The protection of workers' rights also relates to legal certainty in the application of company regulations and collective labor agreements. Mambu (2026) explains that collective labor agreements (PKB) have legal force in regulating the relationship between workers and employers, including in guaranteeing the fulfillment of workers' rights. However, their implementation still faces challenges, especially related to weak supervision and the imbalance of bargaining power between workers and employers. These findings show that a PKB can be an effective instrument of protection if it is drafted fairly and implemented consistently by both parties.

The research of Setiadi & Rasji (2025) on the legal certainty of protection for permanent workers in outsourcing companies also shows that the application of legal protection in termination cases can still face differences in the implementation of court decisions. This shows that worker protection is not sufficient if given only through written regulations, but must also be supported by certainty in implementation and in the restoration of rights after a dispute has occurred.

Based on these research results, the authors synthesize that the protection of workers' rights after termination covers three main aspects, namely legal protection, the fulfillment of compensation, and social security for workers who lose their jobs. These three aspects are interrelated in helping workers cope with the economic impact of termination. Companies should not view the payment of severance as an act of generosity, but as an obligation that must be fulfilled under regulations. On the other hand, the government needs to ensure that workers have access to social protection and complaint mechanisms when their rights are not fulfilled.

Resolving Termination Disputes in Industrial Relations

Termination disputes can occur when workers and employers disagree about the reasons for termination, the procedure for carrying it out, or the fulfillment of workers' rights after the employment relationship ends. Such disputes need to be resolved through the mechanisms set out in legislation so that they do not lead to prolonged conflict. In Indonesia, the settlement of industrial relations disputes is regulated in Law Number 2 of 2004 on Industrial Relations Dispute Settlement. The settlement mechanism can take the form of bipartite negotiation, mediation, conciliation, arbitration for types of disputes that meet the requirements, and the Industrial Relations Court.

The first stage to be pursued is bipartite negotiation, namely negotiation between the worker or trade union and the employer to reach an agreement through deliberation. This mechanism gives both parties the opportunity to express their interests and seek solutions without immediately involving the courts. If bipartite negotiation does not produce an agreement, the dispute can be registered with the manpower agency to be continued through the next settlement mechanism. In this regard, mediation is an important means because it involves a mediator from the manpower agency to help the disputing parties find a settlement.

Khoiriyah (2023), through research on industrial relations dispute settlement during the COVID-19 pandemic, explains that the mechanism for resolving termination disputes basically refers to the provisions of Law Number 2 of 2004. In practice, however, obstacles are still found, such as mediation processes that take longer than the time limits set. That research shows that the existence of rules does not necessarily guarantee that dispute resolution runs effectively if implementation still faces administrative and institutional obstacles.

Research by Syamsu et al. (2025) on industrial relations dispute settlement through the Alternative Dispute Resolution (ADR) approach shows that mediation, negotiation, and arbitration can be more flexible alternatives for resolving conflict than litigation. However, that research also found that dispute settlement is not always successful because of a lack of good faith on the part of companies, the uncooperative attitude of the parties, and a limited number of mediators. These findings show that the success of dispute resolution is strongly influenced by the willingness of workers and employers to build communication and seek agreement together.

Sinambela et al. (2025), in research on industrial relations dispute settlement through the tripartite mechanism for unilateral termination in Bali, found that dispute settlement begins with bipartite negotiation and continues with tripartite mediation if no agreement is reached. That research also identified several obstacles, such as a lack of certified mediators, the absence of one of the parties, and a lack of evidence regarding alleged company violations. Meanwhile, Runturambi et al. (2026), through a study of Decision Number 4/Pdt.Sus-PHI/2024/PN Mnd, explain that unilateral termination disputes can be resolved through non-litigation as well as litigation channels. Both studies show that dispute resolution mechanisms must be supported by

institutional readiness and the parties' compliance with legal procedures.

Furthermore, Winata and Lie (2026), through a study on the effectiveness of the Industrial Relations Court, explain that judicial institutions play an important role in resolving labor disputes and providing protection to workers. However, the effectiveness of dispute resolution is determined not only by the existence of a court decision, but also by the legal system's ability to ensure that workers' rights are truly protected. This is in line with the research of Sulistiyo et al. (2026), which highlights problems in the execution of Industrial Relations Court decisions. That research shows that a worker's victory in court proceedings does not necessarily lead directly to real restoration of rights if the execution of the decision still faces legal and institutional obstacles.

Based on these studies, the authors synthesize that the resolution of termination disputes requires a mechanism that not only provides legal certainty but also guarantees that workers' rights are fulfilled. Bipartite negotiation and mediation need to be utilized to the fullest because they can reduce conflict and give both parties the opportunity to reach an agreement. However, if settlement through deliberation is unsuccessful, legal channels must remain available as a form of protection. The success of dispute resolution is thus measured not only by whether an agreement is reached, but also by the fairness of the outcome and the implementation of the rights that have been determined.

Strategies for Realizing Fair and Harmonious Industrial Relations

Fair and harmonious industrial relations are a condition in which workers and employers can exercise their rights and obligations in a balanced way based on the principles of justice, openness, and mutual respect. Good industrial relations do not mean that companies must avoid all terminations, but that every decision concerning the employment relationship is made on valid grounds, with proper procedures, and with consideration of workers' interests. In this context, justice is an important principle so that the company's interest in maintaining business continuity goes hand in hand with the protection of workers' welfare.

The first strategy is to improve transparency and communication between employers and workers. Companies should communicate employment policies openly, including when changes in business conditions may lead to termination. Good communication can help reduce misunderstanding and give workers the opportunity to understand the reasons for and impact of company policies. Nabila et al. (2026) explain that harmonious industrial relations can be built through the fulfillment of workers' normative rights, open communication, the role of trade unions, and government supervision. These findings show that the harmony of industrial relations is determined not only by regulations, but also by the quality of communication and cooperation among the parties involved.

The second strategy is to improve company compliance with labor regulations, especially regarding termination procedures and the fulfillment of workers' rights. Employers need to ensure that every termination decision has a clear legal basis and is followed by the payment of compensation in accordance with the provisions. Setiadi & Rasji (2025) show that the application of the principles of justice and legal certainty in protecting permanent outsourced workers still faces problems in the implementation of decisions and the restoration of rights. Company compliance must therefore be realized not only through administrative fulfillment, but also through real action to fulfill all obligations to workers.

The third strategy is to strengthen the government's role in labor supervision and guidance. The government, through manpower agencies, is responsible for ensuring that legal provisions are implemented by both companies and workers. Supervision is needed to prevent violations of workers' rights, while guidance can improve the parties' understanding of their obligations and of dispute resolution mechanisms. Syamsu et al. (2025) show that a limited number of mediators and the uncooperative attitude of disputing parties can be obstacles in resolving industrial relations conflicts. In addition, Sulistiyo et al. (2026) show that institutional strengthening and the effective execution of decisions are important in ensuring that workers' rights are truly fulfilled. Government supervision and guidance thus need to be carried out continuously so that legal protection does not stop at the level of regulation.

The fourth strategy is to strengthen the role of trade unions and collective labor agreements in maintaining a balance of interests. Trade unions can be a forum for workers to express aspirations, fight for their interests, and build more balanced communication with the company. Maemanah (2026) explains that collective labor agreements have legal force as an instrument for protecting workers' rights, although their implementation still faces challenges in supervision and negotiation capacity. Strengthening the role of trade unions and drawing up fair collective labor agreements can therefore help prevent disputes, including in decision-making related to termination.

The fifth strategy is to prioritize dispute resolution through dialogue and deliberation. When interests differ, workers and employers need to put open communication first before taking the matter to legal channels. Nabila et al. (2026) show that harmonious industrial relations can help strengthen the effectiveness of conflict resolution through bipartite mechanisms, mediation, conciliation, and arbitration. In line with this, Syamsu et al. (2025) explain that the ADR approach can be a more flexible alternative for resolving conflict, although its success still requires good faith and cooperation from the parties. Deliberation is thus not only a means of resolving conflict, but also an effort to maintain trust and a sustainable working relationship.

Based on the discussion as a whole, the authors synthesize that realizing fair and harmonious industrial relations requires the integration of legal protection, the fulfillment of workers' rights, company compliance,

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government supervision, and the effectiveness of dispute resolution. Legislation has provided a basis of protection for workers who experience termination, but its success depends heavily on implementation and supervision in the field. Termination carried out transparently, in accordance with procedures, and accompanied by the fulfillment of workers' rights can reduce the potential for conflict between workers and employers. Conversely, neglect of workers' rights can create distrust and worsen industrial relations. Harmonious industrial relations must therefore be built not only through compliance with the rules, but also through a shared awareness to apply the principles of justice, responsibility, and respect for workers' rights.

CONCLUSION

Based on the results of the study, it can be concluded that the issue of termination of employment relates not only to the existence and application of legal rules, but also to the effectiveness of implementing the protection of workers' rights. Although legislation has regulated termination procedures and employers' obligations toward workers, implementation still faces various challenges, especially in the fulfillment of normative rights, government supervision, and the imbalance of bargaining power between workers and employers. Worker protection therefore cannot be realized through legal certainty alone, but must also be supported by effective supervision and the responsible performance of obligations by the parties.

In addition, the resolution of termination disputes needs to prioritize dialogue, deliberation, and industrial relations dispute resolution mechanisms in accordance with the applicable legal provisions. Such efforts are important to prevent prolonged conflict while maintaining a balanced relationship between workers and employers. This article thus confirms that realizing fair and harmonious industrial relations requires the integration of the legal regulation of termination, the protection of workers' rights, dispute resolution, and government supervision. The integration of these four aspects is the main contribution of this study in viewing the issue of termination more comprehensively, not only from the legal side, but also from the side of implementing justice and harmony in industrial relations.

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