

HISTORY OF MANUSCRIPT PUBLICATION

(Quality - Access to Success)

**A POLICY LABOR'S AGE OF SAFETY IN THE PERSPECTIVE OF THEORY LEGAL
PROTECTION**

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LETTER OF ACCEPTANCE FOR PUBLICATION

Dear Ida Hanifah,

Congratulations! Your submission entitled; "**A Policy Labor's Age Of Safety In The Perspective OfTheory Legal Protection**", has been reviewed by two anonymous reviewers, and accepted to be published in the forthcoming issue of CALITATEA QUALITY ACCESS TO SUCCESS (<http://www.calitatea.ro/en/>).

Your manuscript will be published in the 23(191) December 2022 issue of the journal.Thank you for your

submission to our journal.

Kind regards.

Prof. Dr. İsmail Hakkı MİRİCİ

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VI. MANUSCRIPT_REVIEW 1

A Policy Labor's Age of Safety in The Perspective of Theory Legal Protection Ida hanifah

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Abstract

The existence of the latest regulation regarding old-age insurance for workers is accommodated through the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, which has generated a lot of polemics because workers whose employment relationship is terminated cannot withdraw their old-age insurance. The type of research used in this paper is normative juridical with the data sources used in this study including primary legal materials, secondary legal materials, and tertiary materials. The results of the study indicate that the policies made regarding the old age guarantee for workers are very far from the theory of legal protection, the policy is more inclined to employers than workers.

Introduction

In the context of complete human development and the development of Indonesian society as a whole to create a just and prosperous society that is equitable, both materially and spiritually based on Pancasila and the 1945 Constitution. In the implementation of national development, the workforce has a very important role and position as development actors and objectives.

Social security for workers is protected and will provide benefits for the workers themselves and their families from things that are expected due to the risks posed in carrying out their work. Workers in carrying out their work certainly have risks that are likely to occur to workers, both the risk of disease arising from their work, the risk of accidents, the risk of disability, the risk of losing their job, and even the risk of death. Work is one of the most important components for workers. It can't be imagined if a worker doesn't have a job either because of a disability or because of his age factor that is impossible for a company to accept.

Labor unions protested the new rules for Old Age Security (JHT). Supposedly, JHT can be taken at any time without having to wait for the age of 56 years. JHT is a worker's right that should be disbursed quickly because it is affected by the termination of employment (PHK), resignation, or early retirement. With this regulation, workers cannot withdraw their money. Among many workers who have been laid off due to the pandemic, the policy regarding JHT is considered inappropriate. Even the threat of layoffs still lurks workers. For this reason, KSPI urges the Minister of Manpower to revoke Permenaker No. 2 of 2022. Because according to the JHT regulations, workers who are laid off can be taken by the workers concerned to BPJS Ketenagakerjaan (BP Jamsostek) after one month in layoffs. [3] When the laid-off worker is 30 years old, the funds collected in the JHT for the worker can only be withdrawn after waiting 26 years, when he is 56 years old. [4]

The government also launched a new program to cushion those laid off, namely the Job Loss Guarantee Program (JKP) in the form of cash, job training, and access to labor market information, so that workers can survive and have great opportunities to find new jobs.

Article 3 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, JHT Benefits for Participants who reach retirement age as referred to in Article 2 letter a are given to participants when they reach the age of 56 (fifty-six) year.

The problem that arises for workers is that JHT cannot be immediately disbursed when workers stop working, are dismissed, resign, and so on. However, JHT funds can be received when the worker has reached the age of 56 (fifty-six) years. Thus, this problem needs to be studied from the perspective of legal

protection theory.

Research Methods

The type of research used in this writing is normative juridical,[1]by conducting library research means research that uses written documents as data, and the data sources used in this research include primary legal materials, secondary legal materials, and tertiary materials. Primary legal materials are legal materials that bind or make people obey the law, including legal products that are the subject of study and legal products as a means of criticism. Secondary legal materials include explanations of primary legal materials in the form of expert doctrines found in books, journals, and websites.

Analysis

Workers' Old Age Security in the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits Social security for workers is protected and will provide benefits for the workers themselves and their families from things that are expected due to the risks posed in carrying out their work. Workers in carrying out their work certainly have risks that are likely to occur to workers, both the risk of disease arising from their work, the risk of accidents, the risk of disability, the risk of losing their job, and even the risk of death. Work is one of the most important components for workers. It can't be imagined if a worker doesn't have a job either because of a disability or because of his age factor that is impossible for a company to accept. This will make life difficult for him and his family. [1]

Work has a very important meaning in human life so everyone needs a job. Work can be interpreted as a source of income for a person to meet the needs of life for himself and his family. It can also be interpreted as a means to actualize oneself so that a person feels that his life becomes more valuable both for himself, his family, and the environment, therefore the right to work is a human right inherent in a person who must be upheld and respected. Manpower development as an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is carried out in the context of developing Indonesian people as a whole to improve the character, dignity, and self-esteem of the workforce as well as creating a prosperous, just, prosperous and equitable society, both materially and spiritually. Labor protection has a goal so that employers do not act arbitrarily against workers/labor in workers doing work, especially in terms of employing female workers. The cultural construction is in a frame of people's thinking at any time based on the period (time), region, and customs. Also, traditions can change. Therefore, women working today are not a problem anymore. however, there are still moral values and norms that protect the existence of the activities of women workers with laws and regulations as a form of legal protection. In general, labor law is a set of regulations that principally regulate the relationship between workers and employers, between workers and workers, and between workers and the authorities (government), including the processes and decisions issued to make this relationship a reality. which aims to achieve social justice in the field of employment to protect the workforce against unlimited power from the authorities (government).

In the implementation of development, manpower has a role and importance as a supporting element for the success of national development, manpower who has a working relationship with the company has the potential to increase productivity¹. For this reason, it is only natural that they are given protection, maintenance, and development of welfare. For this reason, social security for workers is needed. Labor social security (JAMSOSTEK) is protection for workers, in the form of compensation in the form of money as a substitute for lost or reduced income due to events or conditions experienced by workers, in the form of work accidents, illness, pregnancy, maternity, old age, and died³. The history of the formation of PT JAMSOSTEK (Persero) underwent a long process, starting from Law No.33/1947 in conjunction with Law No.2/1951 on work accidents, Regulation of the Minister of Labor (PMP) No.48/1952 in conjunction with PMP No.8/1956 on the arrangement of assistance for efforts to provide workers' health, PMP No.15 /1957 concerning the establishment of the Workers' Social Foundation, PMP No. 5/1964 concerning the establishment of the Social Security Fund Foundation (YDJS), the enactment of Law No. 14/1969 concerning the Principles of Manpower. That is, the existence of several regulations that contain the responsibility of the employer to each of his workers is what gave rise to the idea of establishing social insurance for workers. The benefit of the Old Age Jamsostek program is a cash benefit that is given at once when the participant reaches the age of 56, dies, or experiences total disability. The results of the

development of JHT are at least equal to the average counter rate deposit interest of government banks. JHT benefits before reaching the age of 56 years can be partially taken if you reach 10 years of membership with the following conditions: a. Take a max of 10% of the total balance in preparation for retirement age; b. Taken max 30% of the total balance for housing money. Old Age Security is one of the programs of BPJS Employment, old-age insurance is a social security program which is a basic protection program for workers which aims to ensure security and certainty against socio-economic risks,[3]

The position of workers can essentially be viewed from two aspects, namely from a juridical point of view and from a socio-economic point of view. From a socio-economic perspective, workers need legal protection from the state against the possibility of arbitrary actions from employers. Based on the provisions of Article 27 of the 1945 Constitution, every citizen has the same position in law and government. This provision is further elaborated in Article 5 and Article 6 of Law no. 13 of 2003. Article 5 states that every worker has the same opportunity without discrimination to get a job. Article 6, namely every worker/laborer has the right to receive equal treatment without discrimination from employers. The position of the worker and the employer or between the entrepreneur and the worker is different from the position between the seller and the buyer. Between the seller and the buyer the same position. Both have the same freedom to determine whether or not they are the same. Juridically the position of workers is free, but socially and economically the position of workers is not free. [4]

Labor or employment law is part of the law relating to the regulation of labor relations both individually and collectively. Traditionally, labor law has focused on those (laborers) who do work in a subordinate relationship (with employers/employers).

The philosophy of the issuance of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, namely for old age security benefits provided to guarantee that participants receive cash if they enter retirement, experience permanent total disability, or die world.

Article 1 number 1 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits “Old Age Security, hereinafter abbreviated as JHT, is a cash benefit that is paid at once when the Participant enters retirement age, dies, or experiences a disability. permanent total disability”.

Article 4 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, (1) JHT benefits for Participants who reach retirement age as referred to in Article 3 including Participants who stop working. (2) Participants who stop working as referred to in paragraph (1) include a. Participants withdrew; b. Participants are affected by the termination of employment; and c. Participants who leave Indonesia for good.

Article 5 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, JHT Benefits for Participants who resign as referred to in Article 4 paragraph (2) letter a and Participants are subject to termination of employment as referred to in Article 4 paragraph (2) letter b is given when the Participant reaches the age of 56 (fifty-six) years.

Labor Old Age Guarantee in Legal Protection Theory

According to Fitzgerald as quoted by Satjipto Raharjo, the beginning of the emergence of the theory of legal protection comes from the theory of natural law or the flow of natural law. This flow was pioneered by Plato, Aristotle (Plato's student), and Zeno (founder of the Stoic school). According to the flow of natural law, it states that the law originates from God, which is universal and eternal, and that law and morals cannot be separated. The adherents of this school view that law and morals are a reflection of internal and external rules and regulations of human life which are realized through law and morals. [1]

According to Philipus M. Haddon, it is always related to power. There are two powers of government and economic power. About government power, the issue of legal protection for the people (who are governed),

against the government (which governs).

Marx's theory is suitable to describe how employers treat workers/laborers in the practice of outsourcing. This theory is influenced by the political economy picture of the cruelty of the capitalist system in exploiting workers. Furthermore, according to Marx: "Capitalists carry out a rather simple trick by paying their workers less than they should receive because they receive lower wages than they should receive because they receive wages lower than their real value. produce in one working period. Surplus value, which is acquired and re- invented by the capitalist, is the basis for the whole capitalist system. [3]

Legal protection is a guarantee of rights and obligations for humans in the context of fulfilling their interests and in relationships with humans. [4]Philipus M. Hadjon argues that legal protection for the people consists of two kinds, namely preventive legal protection, and repressive legal protection a. Preventive Legal Protection Means In this preventive legal protection, legal subjects are allowed to file objections or opinions before a government decision gets a definitive form. Preventive legal protection is very meaningful for government actions based on freedom of action because with the existence of preventive legal protection the government is encouraged to be careful in making decisions based on discretion. In Indonesia, there is no specific regulation regarding preventive legal protection. b. Means of Repressive Legal Protection Handling legal protection by the General Court and Administrative Court in Indonesia belongs to the category of repressive legal protection. The principle of legal protection against government actions rests and originates from the concept of recognition and protection of human rights because according to history from the west.

Legal protection for workers is very necessary given their weak position. Mentioned by Zainal Asikin, namely legal protection from the power of the employer is carried out if the laws and regulations in the field of labor that require or force the employer to act as in the legislation are implemented by all parties because the validity of the law cannot be measured legally, but can be measured. sociologically and philosophically. [6]

Labor protection is protection that is sought to maintain the basic rights of workers. The purpose of job protection according to Abdul Khakim is to ensure a harmonious working relationship system without being accompanied by pressure from the strong party to the weak party. Labor protection is one of the goals of manpower development and manpower development is one part of national development. This is why the protection of workers is something that needs serious attention in its implementation because it can support national development. [7]

Legal protection by the state is an obligation carried out by the Government based on the mandate of the 1945 Constitution, especially protection for the weak (laborers/workers), however, what often happens is that employers or their employees often intimidate members of the trade unions/labor unions to get out of work. trade union organization/labor union. Workers carry out work by their obligations, maintain order for production continuity, channel aspirations democratically, develop their skills and expertise and participate in advancing the company and fighting for the welfare of members and their families article 102 (paragraph 2). The function of the government is to establish policies, provide services, carry out supervision and take action for violations of labor laws and regulations article 102 (paragraph 1).

Protection of workers' rights to form and become members of trade unions/labor unions is stated in Article 104 (paragraph 1) of Law Number 13 of 2003, with this protection, trade unions should be free from fear in carrying out their activities. Labor unions/labor unions still often face restrictions and obstacles from the employer or other people (at the request of the entrepreneur) and receive threats of being laid off. Even though there are protections for workers, there are still many entrepreneurs who do not give their rights to workers. Therefore, the protection of workers is very important, especially for workers who are often threatened by employers or companies. Various cases of threats to workers by employers or companies. There are many threats from company management to workers who participate in trade union organizations and the forms of threats are such as unilateral dismissal and non-fulfillment of other workers' normative rights. If there is a threat, the workers are afraid to fight back. This is where the role of trade union organizations is important to provide awareness to workers on freedom of association and the normative

rights of workers that they should get. There are many threats from company management to workers who participate in trade union organizations and the forms of threats are such as unilateral dismissal and non-fulfillment of other workers' normative rights. If there is a threat, the workers are afraid to fight back. This is where the role of trade union organizations is important to provide awareness to workers on freedom of association and the normative rights of workers that they should get. There are many threats from company management to workers who participate in trade union organizations and the forms of threats are such as unilateral dismissal and non-fulfillment of other workers' normative rights. If there is a threat, the workers are afraid to fight back. This is where the role of trade union organizations is important to provide awareness to workers on freedom of association and the normative rights of workers that they should get. [8].

Conclusion

The existence of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits is not in line with the theory of legal protection for workers, in terms of old-age insurance which can be disbursed if the worker has reached the age of 56 (fifty-six) years.

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A Policy Labor's Age of Safety in The Perspective of Theory Legal Protection

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Abstract

The existence of the latest regulation regarding old-age insurance for workers is accommodated through the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, which has generated a lot of polemics because workers whose employment relationship is terminated cannot withdraw their old-age insurance. The type of research used in this paper is normative juridical with the data sources used in this study including primary legal materials, secondary legal materials, and tertiary materials. The results of the study indicate that the policies made regarding the old age guarantee for workers are very far from the theory of legal protection, the policy is more inclined to employers than workers.

Keywords: Labor, Security, Old Age.

Introduction

In the context of complete human development and the development of Indonesian society as a whole to create a just and prosperous society that is equitable, both materially and spiritually based on Pancasila and the 1945 Constitution. In the implementation of national development, the workforce has a very important role and position as development actors and objectives. **By the role and position of the workforce, it is necessary to develop manpower to improve the quality of the workforce and their participation in the development and protection of workers and their families by human dignity.** [1]

Social security for workers is protected and will provide benefits for the workers themselves and their families from things that are expected due to the risks posed in carrying out their work. Workers in carrying out their work certainly have risks that are likely to occur to workers, both the risk of disease arising from their work, the risk of accidents, the risk of disability, the risk of losing their job, and even the risk of death. Work is one of the most important components for workers. It can't be imagined if a worker doesn't have a job either because of a disability or because of his age factor that is impossible for a company to accept. **This will make life difficult for him and his family.** [2]

Labor unions protested the new rules for Old Age Security (JHT). Supposedly, JHT can be taken at any time without having to wait for the age of 56 years. JHT is a worker's right that should be disbursed quickly because it is affected by the termination of employment (PHK), resignation, or early retirement. With this regulation, workers cannot withdraw their money. Among many workers who have been laid off due to the pandemic, the policy regarding JHT is considered inappropriate. Even the threat of layoffs still lurks workers. For this reason, KSPI urges the Minister of Manpower to revoke Permenaker No. 2 of 2022. Because according to the JHT regulations, workers who are laid off can be taken by the workers concerned to BPJS Ketenagakerjaan (BP Jamsostek) after one month in layoffs. [3] When the laid-off worker is 30 years old, the funds collected in the JHT for the worker can only be withdrawn after waiting 26 years, when he is 56 years old. [4]

The government also launched a new program to cushion those laid off, namely the Job Loss Guarantee Program (JKP) in the form of cash, job training, and access to labor market information, so that workers can survive and have great opportunities to find new jobs. **Considering the diversity of social security, the government then decided to return JHT to its function, namely as a fund for preparing workers in old age.** [5]

Article 3 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, JHT Benefits for Participants who reach retirement age as referred to in Article 2 letter a are given to participants when they reach the age of 56 (fifty-six) year.

The problem that arises for workers is that JHT cannot be immediately disbursed when workers stop working, are dismissed, resign, and so on. However, JHT funds can be received when the worker has reached the age of 56 (fifty-six) years. Thus, this problem needs to be studied from the perspective of legal protection theory.

Research Methods

The type of research used in this writing is normative juridical. [1] by conducting library research means research that uses written documents as data, and the data sources used in this research include primary legal materials, secondary legal materials, and tertiary materials. Primary legal materials are legal materials that bind or make people obey the law, including legal products that are the subject of study and legal products as a means of criticism. Secondary legal materials include explanations of primary legal materials in the form of expert doctrines found in books, journals, and websites.

Analysis

Workers' Old Age Security in the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits Social security for workers is protected and will provide benefits for the workers themselves and their families from things that are expected due to the risks posed in carrying out their work. Workers in carrying out their work certainly have risks that are likely to occur to workers, both the risk of disease arising from their work, the risk of accidents, the risk of disability, the risk of losing their job, and even the risk of death. Work is one of the

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Work has a very important meaning in human life so everyone needs a job. Work can be interpreted as a source of income for a person to meet the needs of life for himself and his family. It can also be interpreted as a means to actualize oneself so that a person feels that his life becomes more valuable both for himself, his family, and the environment, therefore the right to work is a human right inherent in a person who must be upheld and respected. Manpower development as an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is carried out in the context of developing Indonesian people as a whole to improve the character, dignity, and self-esteem of the workforce as well as creating a prosperous, just, prosperous and equitable society, both materially and spiritually. Labor protection has a goal so that employers do not act arbitrarily against workers/labor in workers doing work, especially in terms of employing female workers. The cultural construction is in a frame of people's thinking at any time based on the period (time), region, and customs. Also, traditions can change. Therefore, women working today are not a problem anymore. However, there are still moral values and norms that protect the existence of the activities of women workers with laws and regulations as a form of legal protection. In general, labor law is a set of regulations that principally regulate the relationship between workers and employers, between workers and workers, and between workers and the authorities (government), including the processes and decisions issued to make this relationship a reality. which aims to achieve social justice in the field of employment to protect the workforce against unlimited power from the authorities (government). **The importance of protection against human beings is not only limited to humanity,[2]**

In the implementation of development, manpower has a role and importance as a supporting element for the success of national development, manpower who has a working relationship with the company has the potential to increase productivity¹. For this reason, it is only natural that they are given protection, maintenance, and development of welfare. For this reason, social security for workers is needed. Labor social security (JAMSOSTEK) is protection for workers, in the form of compensation in the form of money as a substitute for lost or reduced income due to events or conditions experienced by workers, in the form of work accidents, illness, pregnancy, maternity, old age, and died³. The history of the formation of PT JAMSOSTEK (Persero) underwent a long process, starting from Law No.33/1947 in conjunction with Law No.2/1951 on work accidents, Regulation of the Minister of Labor (PMP) No.48/1952 in conjunction with PMP No.8/1956 on the arrangement of assistance for efforts to provide workers' health, PMP No.15 /1957 concerning the establishment of the Workers' Social Foundation, PMP No. 5/1964 concerning the establishment of the Social Security Fund Foundation (YDJS), the enactment of Law No. 14/1969 concerning the Principles of Manpower. That is, the existence of several regulations that contain the responsibility of the employer to each of his workers is what gave rise to the idea of establishing social insurance for workers. The benefit of the Old Age Jaminan program is a cash benefit that is given at once when the participant reaches the age of 56, dies, or experiences total disability. The results of the development of JHT are at least equal to the average counter rate deposit interest of government banks. JHT benefits before reaching the age of 56 years can be partially taken if you reach 10 years of membership with the following conditions: a. Take a max of 10% of the total balance in preparation for retirement age; b. Taken max 30% of the total balance for housing money. Old Age Security is one of the programs of BPJS Employment, old-age insurance is a social security program which is a basic protection program for workers which aims to ensure security and certainty against socio-economic risks.[3]

The position of workers can essentially be viewed from two aspects, namely from a juridical point of view and from a socio-economic point of view. From a socio-economic perspective, workers need legal protection from the state against the possibility of arbitrary actions from employers. Based on the provisions of Article 27 of the 1945 Constitution, every citizen has the same position in law and government. This provision is further elaborated in Article 5 and Article 6 of Law no. 13 of 2003. Article 5 states that every worker has the same opportunity without discrimination to get a job. Article 6, namely every worker/laborer has the right to receive equal treatment without discrimination from employers. The position of the worker and the employer or between the entrepreneur and the worker is different from the position between the seller and the buyer. Between the seller and the buyer the same position. Both have the same freedom to determine whether or not they are the same. Juridically the position of workers is free, but socially and economically the position of workers is not free. [4]

Labor or employment law is part of the law relating to the regulation of labor relations both individually and collectively. Traditionally, labor law has focused on those (laborers) who do work in a subordinate relationship (with employers/employers). **This legal discipline covers issues such as legal arrangements or work agreements, mutual rights and obligations of workers/workers and employers, setting wages, job security, occupational health and safety in the work environment, non-discrimination, collective/collective work agreements, the participation of workers, the right to strike, income/income guarantees, and the provision of welfare guarantees for workers and their families. [5]**

The philosophy of the issuance of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, namely for old age security benefits provided to guarantee that participants receive cash if they enter retirement, experience permanent total disability, or die world.

Article 1 number 1 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits "Old Age Security, hereinafter abbreviated as JHT, is a cash benefit that is paid at once when the Participant enters retirement age, dies, or experiences a disability. permanent total disability".

Article 4 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, (1) JHT benefits for Participants who reach retirement age as referred to in Article 3 including Participants who stop working. (2) Participants who stop working as referred to in paragraph (1) include a. Participants withdrew; b. Participants are affected by the termination of employment; and c. Participants who leave Indonesia for good.

Article 5 Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning Procedures and Requirements for Payment of Old Age Security Benefits, JHT Benefits for Participants who resign as referred to in Article 4

paragraph (2) letter a and Participants are subject to termination of employment as referred to in Article 4 paragraph (2) letter b is given when the Participant reaches the age of 56 (fifty-six) years.

Labor Old Age Guarantee in Legal Protection Theory

According to Fitzgerald as quoted by Satjipto Raharjo, the beginning of the emergence of the theory of legal protection comes from the theory of natural law or the flow of natural law. This flow was pioneered by Plato, Aristotle (Plato's student), and Zeno (founder of the Stoic school). According to the flow of natural law, it states that the law originates from God, which is universal and eternal, and that law and morals cannot be separated. The adherents of this school view that law and morals are a reflection of internal and external rules and regulations of human life which are realized through law and morals. [1]

According to Philipus M. Haddon, it is always related to power. There are two powers of government and economic power. About government power, the issue of legal protection for the people (who are governed), against the government (which governs). **About economic power, the issue of legal protection is protection for the weak (economy) against the strong (economy), for example, protection for workers against employers.** [2]

Marx's theory is suitable to describe how employers treat workers/laborers in the practice of outsourcing. This theory is influenced by the political economy picture of the cruelty of the capitalist system in exploiting workers. Furthermore, according to Marx: "Capitalists carry out a rather simple trick by paying their workers less than they should receive because they receive lower wages than they should receive because they receive wages lower than their real value. produce in one working period. Surplus value, which is acquired and re-invented by the capitalist, is the basis for the whole capitalist system. [3]

Legal protection is a guarantee of rights and obligations for humans in the context of fulfilling their interests and in relationships with humans. [4] Philipus M. Hadjon argues that legal protection for the people consists of two kinds, namely preventive legal protection, and repressive legal protection a. Preventive Legal Protection Means In this preventive legal protection, legal subjects are allowed to file objections or opinions before a government decision gets a definitive form. Preventive legal protection is very meaningful for government actions based on freedom of action because with the existence of preventive legal protection the government is encouraged to be careful in making decisions based on discretion. In Indonesia, there is no specific regulation regarding preventive legal protection. b. Means of Repressive Legal Protection Handling legal protection by the General Court and Administrative Court in Indonesia belongs to the category of repressive legal protection. The principle of legal protection against government actions rests and originates from the concept of recognition and protection of human rights because according to history from the west. **The birth of the concepts regarding the recognition and protection of human rights is directed at the limitations and the laying down of the obligations of the community and the government.** [5]

Legal protection for workers is very necessary given their weak position. Mentioned by Zainal Asikin, namely legal protection from the power of the employer is carried out if the laws and regulations in the field of labor that require or force the employer to act as in the legislation are implemented by all parties because the validity of the law cannot be measured legally, but can be measured. sociologically and philosophically. [6]

Labor protection is protection that is sought to maintain the basic rights of workers. The purpose of job protection according to Abdul Khakim is to ensure a harmonious working relationship system without being accompanied by pressure from the strong party to the weak party. Labor protection is one of the goals of manpower development and manpower development is one part of national development. This is why the protection of workers is something that needs serious attention in its implementation because it can support national development. [7]

Legal protection by the state is an obligation carried out by the Government based on the mandate of the 1945 Constitution, especially protection for the weak (laborers/workers), however, what often happens is that employers or their employees often intimidate members of the trade unions/labor unions to get out of work. trade union organization/labor union. Workers carry out work by their obligations, maintain order for production continuity, channel aspirations democratically, develop their skills and expertise and participate in advancing the company and fighting for the welfare of members and their families article 102 (paragraph 2). The function of the government is to establish policies, provide services, carry out supervision and take action for violations of labor laws and regulations article 102 (paragraph 1).

Protection of workers' rights to form and become members of trade unions/labor unions is stated in Article 104 (paragraph 1) of Law Number 13 of 2003, with this protection, trade unions should be free from fear in carrying out their activities. Labor unions/labor unions still often face restrictions and obstacles from the employer or other people (at the request of the entrepreneur) and receive threats of being laid off. Even though there are protections for workers, there are still many entrepreneurs who do not give their rights to workers. Therefore, the protection of workers is very important, especially for workers who are often threatened by employers or companies. Various cases of threats to workers by employers or companies. There are many threats from company management to workers who participate in trade union organizations and the forms of threats are such as unilateral dismissal and non-fulfillment of other workers' normative rights. If there is a threat, the workers are afraid to fight back. This is where the role of trade union organizations is important to provide awareness to workers on freedom of association and the normative rights of workers that they should get. There are many threats from company management to workers who participate in trade union organizations and the forms of threats are such as unilateral dismissal and non-fulfillment of other workers' normative rights. If there is a threat, the workers are afraid to fight back. This is where the role of trade union organizations is important to provide awareness to workers on freedom of association and the normative rights of workers that they should get. [8].

Conclusion

The existence of the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2022 concerning

Procedures and Requirements for Payment of Old Age Security Benefits is not in line with the theory of legal protection for workers, in terms of old-age insurance which can be disbursed if the worker has reached the age of 56 (fifty-six) years. **So that workers who quit, are dismissed, or die cannot directly claim their old-age insurance.**

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