

## **Legal Protection of Overtime Workers' Nutritional Rights under Indonesian Labor Law**

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### **Abstract**

*This study aims to analyse the legal framework governing employers' obligation to provide food and beverages containing at least 1,400 kilocalories to overtime workers under Article 29(1)(c) of Government Regulation No. 35 of 2021 and the legal consequences of non-compliance. Although previous studies have predominantly focused on overtime wages and workers' economic rights, the legal status and enforceability of workers' nutritional entitlements during overtime remain underexplored. This study employs normative legal research using statutory, conceptual, and comparative approaches to examine Indonesia's regulatory framework in comparison with those of Singapore and Malaysia. The findings demonstrate that providing food and beverages constitutes a mandatory and independent employer obligation that complements overtime wages and rest periods and cannot be replaced by monetary compensation. Non-compliance may result in administrative sanctions under Article 61 of Government Regulation No. 35 of 2021 and rights disputes through industrial relations dispute resolution mechanisms. However, the absence of technical standards for nutritional composition, caloric measurement, compliance verification, and evidentiary documentation, alongside limited labour inspection capacity, undermines legal certainty and effective enforcement. The comparative analysis identifies Indonesia's express statutory caloric entitlement as a distinctive feature among the three jurisdictions examined. The novelty of this study lies in conceptualising nutritional entitlements as an autonomous dimension of labour protection, extending the conventional wage-centred approach to overtime work. This study recommends technical implementing guidelines and strengthened labour inspection to improve regulatory clarity and enforcement.*

**Keywords:** Legal Protection; Overtime Work; Worker Protection

### **1. INTRODUCTION**

The development of increasingly high needs for production, service, and work completion allows companies to often hire beyond the normal work time limit. In this context, overtime is related to the use of human labor outside the normal time limit. The concept is commonly adopted by companies to meet production and service targets in response to market demand. However, limitations on working hours are essential to protect workers' health, safety, and overall welfare.<sup>1</sup> This condition requires workers to perform additional working hours, suggesting the need for legal protection to prevent overtime obligations from becoming a disproportionate and unilateral burden on workers.

Information about workers who work overtime can be seen through data from National Labor Force Survey (Sakernas), August 2025, of Central Statistics Agency (BPS) in Indonesia. The average working hours of all workers in August 2025 will be 41 hours per week, according to the publication of the State of Workers in Indonesia in August 2025. The data shows that out of a total of 70,816,265 workers in August 2025, 23,010,668 and 6,290,219 work 45–59 and

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<sup>1</sup> Mustika Prabaningrum Kusumawati, "Perlindungan Hukum Terhadap Hak Upah Lembur Pekerja/Buruh," *Jurnal Ilmiah Penegakan Hukum* 11, no. 2 (2024): 216–25, <https://doi.org/10.31289/jiph.v11i2.1>.

60 hours or more per week, respectively. Therefore, there are 29,300,887, or 41.38% of the total workers, who work for a minimum of 45 hours per week.<sup>2</sup>

According to World Health Organization (WHO), long working hours caused 745,000 deaths from stroke and ischemic heart disease in 2016, which is a 29% increase since 2000.<sup>3</sup> Different studies show that long working hours hurt workers' health, such as increasing the risk of cardiovascular disease, fatigue, stress, depression, anxiety, sleep disorders, hypertension, injuries, as well as unhealthy behaviors including alcohol consumption, smoking, and lack of physical activity.<sup>4</sup> Working more than 60 hours is associated with increased stress and burnout, as well as a decline in the overall health of workers.<sup>5</sup> Therefore, overtime is understood as an instrument to prevent the uncontrolled expansion of working hours. Workers need additional income and must be protected from fatigue, health risks, and the certainty of fulfilling workers' rights.

Individuals who work beyond normal time limits face a different energy and concentration load than during working hours. This can be a form of exploitation by using the economic needs of workers as an excuse to extend working hours. In addition, workers in an employment relationship tend to be in a vulnerable position for their rights to be harmed by superiors.<sup>6</sup> The bargaining position of the worker is not equal to that of the company, which makes overtime approval possible. Workers may accept overtime due to concerns about being perceived as non-compliant, fears of non-renewal of employment contracts, or the necessity of supplementing income. This situation requires the law to provide certainty that overtime is not used as a strategy for companies to reduce costs, avoid recruiting new workers, or transfer business risks to workers in employment relationships.

The provisions of Article 1, Number 3 of Law No. 13 of 2003 concerning Manpower (Law No. 13 of 2003) determine that "Worker is any individual who works by receiving wages or rewards in other forms." Based on Article 1, Number 15 of Law No. 13 of 2003, "Employment relations are relationships between employers and workers based on agreements, which have elements of employment, wages, and orders." Therefore, the birth of fixed overtime comes from a work relationship that has elements of work, contains orders, and pays wages. Companies have the right to give overtime orders and an obligation to meet workers' rights standards. Overtime cannot be positioned as a unilateral policy because every increase in working time has legal consequences for the company and workers.

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<sup>2</sup> Direktorat Statistik Kependudukan dan Ketenagakerjaan, "Keadaan Pekerja Di Indonesia Agustus 2025" (Jakarta, 2025).

<sup>3</sup> World Health Organization, "Long Working Hours Increasing Deaths from Heart Disease and Stroke: WHO, ILO," <https://www.who.int/>, 2021.

<sup>4</sup> Kapo Wong, Alan H S Chan, and S C Ngan, "The Effect of Long Working Hours and Overtime on Occupational Health: A Meta-Analysis of Evidence from 1998 to 2018," *International Journal of Environmental Research and Public Health* 16, no. 12 (2019): 1–22, <https://doi.org/10.3390/ijerph16122102>.

<sup>5</sup> Aurora B Le, Abdulrazak O Balogun, and Todd D Smith, "Long Work Hours, Overtime, and Worker Health Impairment: A Cross-Sectional Study among Stone, Sand, and Gravel Mine Workers," *International Journal of Environmental Research and Public Health* 19, no. 13 (2022): 1–9, <https://doi.org/https://doi.org/10.3390/ijerph19137740>.

<sup>6</sup> Nickita Michaela Firensya and Adhitya Widya Kartika, "Pemenuhan Hak Pekerja (Upah Lembur) Berdasarkan Perjanjian Kerja Di CV. X," *Unes Journal of Swara Justisia* 8, no. 2 (2024): 302–16, <https://doi.org/https://doi.org/10.31933/h7755x45>.

Article 26 paragraph (1) of the Government Regulation of the Republic of Indonesia Number 35 of 2021 concerning Fixed-Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment (Government Regulation No. 35 of 2021) stipulates that "Overtime Working Time can only be conducted for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week." The arrangement restricts overtime to the specified time. Every worker who works overtime is entitled to overtime pay.<sup>7</sup> The company's obligation to provide food and beverages for workers working overtime is in line with the provisions of Article 29, paragraph (1), letter a of Government Regulation No. 35 of 2021. Even though overtime has a time limit, the provisions of Article 29, paragraph (1), letter c stipulate that "Companies using workers during Overtime Working Time are obliged to provide food and beverages of 1,400 (one thousand four hundred) kilocalories, when overtime work is carried out for 4 (four) hours or more. The provision regarding 4 hours or more indicates that there is a possibility of conducting overtime for more than 4 hours a day, leading to a conflict with the provisions of Article 26, Paragraph 1 of Government Regulation No. 35 of 2021.

Based on the International Labor Perspective, workers require adequate nutritional support. Therefore, the provision of nutritious food is important to support cognitive function, maintain health, and sustain work productivity.<sup>8</sup> Companies that work overtime must provide food and beverages with a minimum of 1,400 kilocalories.<sup>9</sup> Overtime wages are sufficient to satisfy the obligations, but the provision of food and beverages during overtime work constitutes a separate legal requirement and cannot be replaced with monetary compensation. This is certainly in line with the provisions of Article 29, Paragraph (2) of Government Regulation No. 35 of 2021. However, the problems identified in the 2025 JobStreet survey indicate that more than 60% of young Indonesian workers have experienced unpaid overtime.<sup>10</sup> These problems are important to analyze because overtime is a crucial aspect that brings together the interests of company production and worker protection. The scope of the discussion is the company's obligation to treat workers who work overtime and the consequences of the law for not fulfilling the provision of 1,400 kilocalories.

Previous studies on overtime have been conducted from the perspective of wage protection. Kusumawati focused on legal protection for workers' entitlement to overtime wages and emphasized that pay constituted a normative labor right.<sup>11</sup> The discussion has been expanded to specific employment relationships. Pratama analyzed overtime wage protection in outsourcing companies through the mechanisms of work orders and legal remedies available to workers.<sup>12</sup> Meanwhile, Putri examined the responsibility of outsourcing partners in

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<sup>7</sup> Kusumawati, "Perlindungan Hukum Terhadap Hak Upah Lembur Pekerja/Buruh."

<sup>8</sup> Xiu Xin Catherine Lok and Novita Vidiyanti, "Nourishing The Workforce: Nutrition Integration In Occupational Safety And Health Regulation," *GAIN Working Paper N° 44* 44, no. December (2024): 1–33.

<sup>9</sup> Naila Yaumima Rahma et al., "Workforce Nutrition in Collective Bargaining Agreements: A Scoping Study of 26,015 Agreements Workforce Nutrition in Collective Bargaining Agreements: A Scoping Study of 26,015 Agreements," *Global Alliance for Improved Nutrition (GAIN) and WageIndicator Foundation* 63, no. February (2026): 1–42, <https://doi.org/https://doi.org/10.36072/wp.63>.

<sup>10</sup> Rama Prasetyo Winoto, "Survei: Lebih Dari 60 Persen Pekerja Indonesia Pernah Mengalami Bekerja Lembur Tanpa Dibayar," <https://jateng.pikiran-rakyat.com/>, 2025, <https://jateng.pikiran-rakyat.com/gaya-hidup/pr-3739209584/survei-lebih-dari-60-persen-pekerja-indonesia-pernah-mengalami-bekerja-lembur-tanpa-dibayar-eet>.

<sup>11</sup> Kusumawati, "Perlindungan Hukum Terhadap Hak Upah Lembur Pekerja/Buruh."

<sup>12</sup> Aldiansah Pratama and Asri Wijayanti, "Perlindungan Hukum Bagi Pekerja Atas Upah Lembur Di Perusahaan Alih Daya," *RechtIde* 17, no. 1 (2022): 153–78, <https://doi.org/https://doi.org/10.21107/ri.v17i1.10767>.

calculating working hours and overtime wage payments under Government Regulation Number 35 of 2021.<sup>13</sup> Collectively, these studies show that the development of overtime-work scholarship in Indonesia has concentrated on economic aspects, particularly wage protection and employer liability for monetary compensation.

Previous studies have contributed significantly to the discussion of overtime wage protection, without specifically examining employers' obligation to provide food and beverages amounting to 1,400 kilocalories as stipulated in Article 29, paragraph (1) letter c of Government Regulation Number 35 of 2021. Existing studies tend to concentrate on the economic dimensions of overtime work, while the fulfilment of workers' nutritional rights during overtime has received limited scholarly attention. Therefore, there remains a gap in the literature regarding the juridical position of the obligation and the legal consequences arising from the non-fulfilment.

Based on the discussion, this study differs from previous results by focusing on the legal issues surrounding the provision of food and beverages amounting to 1,400 kilocalories for overtime workers. The novelty is in the analysis of workers' nutritional rights as a component of normative labor protection that integrates welfare, occupational health protection, and legal certainty. Therefore, this study aims to analyze the legal regulation governing the provision of 1,400 kilocalorie food and beverages for overtime workers and to examine the legal consequences arising when employers fail to fulfil the obligations.

## 2. METHOD

This study uses a type of normative legal design with a statutory, conceptual, and comparative approach. Normative legal study is used to examine the regulation of the fulfillment of 1,400 kilocalories for overtime workers and the legal consequences for companies. A type of normative legal design is adopted because the concept examines literature materials (secondary data).<sup>14</sup>

The statute approach is applied by examining laws and regulations governing overtime work and the obligation to provide food and drinks for workers, particularly Law No. 13 of 2003 concerning Manpower, Law No. 6 of 2023 concerning the Stipulation of Government Regulation in place of Law No. 2 of 2022 on Job Creation into Law, and Government Regulation No. 35 of 2021. The conceptual approach is used to analyze legal concepts and doctrines related to protection, workers' rights, occupational health, and employers' obligations in fulfilling nutritional requirements for overtime workers. In addition, a comparative approach is adopted by comparing the legal frameworks governing welfare, particularly the provision of food and nutritional protection, in Indonesia, Singapore, and Malaysia to identify similarities, differences, and potential improvements to the Indonesian legal framework.

The secondary data used are classified into primary, secondary, and tertiary legal materials. Primary legal materials consist of laws and regulations, including Law No. 13 of 2003, Law

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<sup>13</sup> Anggun Sephia Putri and Suartini, "Tanggung Jawab Mitra Dalam Perhitungan Jam & Upah Lembur Karyawan Perusahaan Alih Daya Berdasarkan PP No. 35 Tahun 2021 Tentang PKWT, Alih Daya, Waktu Kerja Dan Waktu Istirahat, Dan PHK," *JIHHP: Jurnal Ilmu Hukum, Humaniora, Dan Politik* 5, no. 44 (2025): 3210–18, <https://doi.org/doi.org/10.38035/jihhp.v5i4>.

<sup>14</sup> Gunardi, *Buku Ajar Metode Penelitian Hukum*, 1st ed. (Jakarta Selatan: Damera Press Jl., 2022).

No. 6 of 2023, and Government Regulation No. 35 of 2021. Secondary legal materials include legal literature, scientific journals, books, and previous studies related to overtime workers and labor law. Tertiary legal materials consist of legal dictionaries, encyclopedias, and other reference materials that support the understanding of legal concepts and terminology.

Literature studies are analyzed using descriptive, evaluative, and qualitative juridical analysis after data collection. The descriptive analysis explains the applicable legal norms, while the evaluative analysis assesses the adequacy and effectiveness of existing regulations. The qualitative juridical analysis interprets legal principles, compares relevant legal frameworks, and formulates arguments regarding the fulfillment of the 1,400 kilocalorie requirement for overtime workers and the legal consequences for companies that fail to comply with the obligations.

### 3. RESULTS AND DISCUSSION

#### 3.1 Employers' Obligation in Treating Overtime Workers

Overtime may only be undertaken with the consent of worker concerned.<sup>15</sup> This consent should be understood as a legal requirement, not an administrative formality. Therefore, companies are not allowed to force workers to agree to overtime without an opportunity or room for refusal. This is important because in an unequal employment relationship, workers' consent to overtime is influenced by pressure from superiors that threaten judgment and employment relationships. Overtime approval must be accompanied by the principle of openness regarding the duration, work, wages, rest, and food and beverage needs.

Every worker is required to have work restrictions as a form of protection.<sup>16</sup> The time limit provides space for workers to obtain overtime status when work is carried out outside the normal time limit. Working time must be arranged proportionally, with consideration of the calculation of the number of workers as well as the production targets. Overtime carried out regularly affects rest time, reduces family time, and increases health risks.<sup>17</sup> This can also increase work stress and workload, which significantly affects workers' intention to quit.<sup>18</sup> Therefore, overtime is allowed only for urgent work, the completion of production targets, operational disruptions, public service needs, or consumer demand that cannot be postponed. The legal basis for the requirements is regulated in Article 78 of Law No. 13 of 2003, as amended by Law No. 6 of 2023 concerning the Stipulation of Government Regulations in place of Law No. 2 of 2022 concerning Job Creation into Law (Law No. 6 of 2023), where workers hired in excess of working hours must meet the requirements, a) There is the consent

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<sup>15</sup> Chia-en Hsieh and Chi-hsin Wu, "Managing Voluntary Overtime in the Workplace: Legal Considerations and Practical Responses for Employers in Taiwan," *Journal of Human Resource Management* 14, no. 1 (2026): 60–69, <https://doi.org/https://doi.org/10.11648/j.jhrm.20261401.16>.

<sup>16</sup> Kusumawati, "Perlindungan Hukum Terhadap Hak Upah Lembur Pekerja/Buruh."

<sup>17</sup> Friska Aulia Dewi Andini and Adiatma Y. M. Siregar, "Work Hours and the Risk of Hypertension: The Case of Indonesia," *BMC Public Health* 24, no. 2480 (2024): 1–9, <https://doi.org/https://doi.org/10.1186/s12889-024-20003-z>; Luthfianti Zakia and Aryana Satrya, "The Role of Working Conditions and Social Support on Work-Family Conflict: A Qualitative Study on Garment Industry," in *Proceedings of the 33rd International Business Information Management Association Conference, IBIMA 2019*, 2019, 1–11, <https://doi.org/10.1186/s12889-024-20003-z>.

<sup>18</sup> Verlincia Mefy Arlen and Hamsal, "Pengaruh Stres Kerja Dan Job Insecurity Terhadap Turnover Intention Dengan Kepuasan Kerja Sebagai Variabel Intervening Pada Perguruan Tinggi Swasta (Studi Karyawan Generasi Z Di Kota Pekanbaru)," *Al Qalam: Jurnal Ilmiah Keagamaan Dan Kemasyarakatan* 18, no. 1 (2024): 330–48, <https://doi.org/10.35931/aq.v18i1.2977>.

of the Worker concerned, b) Overtime can only be conducted for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week, and c) Must pay overtime wages.

Hiring more than the working time must be avoided in the explanation section of Article 78 of Law NO. 6 of 2023. This is because workers must have sufficient time to rest and recover fitness. In certain cases, there are urgent needs that must be solved immediately and cannot be avoided. Workers' rights to overtime are regulated in employment agreements with the coverage of overtime wages and rest time.<sup>19</sup> The fulfillment of work rights is a form of implementation of requirements that must be met cumulatively because each condition has a different protection purpose.

Workers' rights in relation to overtime are regulated through employment agreements and statutory provisions, including the payment of wages and the provision of adequate rest periods. Indonesian labor regulations require employers to provide food and beverages containing 1,400 kilocalories for workers who work overtime for a specified duration. These requirements constitute cumulative legal obligations because each serves a distinct protective function, namely economic protection, physiological recovery, and occupational health protection through overtime pay, rest periods, and adequate nutritional intake, respectively. However, the implementation of the requirement raises several legal and practical issues. First, the regulation does not provide a detailed explanation regarding the nutritional composition, measurement standards, or methods for calculating the 1,400-kilocalorie requirement, creating ambiguity in the implementation. Second, labor inspectors may experience difficulties in verifying compliance because no clear technical guidelines exist concerning the assessment of nutritional adequacy or the documentation required to prove compliance from the perspective of legal enforceability. Third, the fixed standard of 1,400 kilocalories from the perspective of occupational health may not adequately reflect the diverse physiological needs of workers. These vary depending on workload intensity, gender, age, health conditions, and the nature of the work performed. The uniform application of this standard may not achieve the intended objective of protecting workers' health.

The legal basis regarding overtime is regulated in laws and regulations in the field of employment governing business sectors in Indonesia. However, there are various sectoral laws and regulations regulating overtime. The classification of arrangements in several sectors is explained in Table 1.

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<sup>19</sup> Tegar Islami Putra, "The Analysis of the Legal Protection of Ship's Crew in Sea Work Agreement in Indonesia," *Indonesian Journal of Advocacy and Legal Services* 5, no. 2 (2023): 181–206, <https://doi.org/10.15294/ijals.v5i2.75367>.

Table 1  
Classification of Overtime Arrangements in Various Business Sectors in Indonesia

| Sector                                     | Legal Basis                                                                | Main Overtime Regulation                                                                                                                             |
|--------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Upstream Oil and Gas                       | Minister of Manpower and Transmigration Regulation No. 4 of 2014           | Defines overtime work, overtime hours, overtime wage calculation, and worker classification.                                                         |
| Fisheries (Certain Operational Areas)      | Minister of Manpower and Transmigration Regulation No. PER.11/MEN/VII/2010 | Regulates overtime wages, overtime on public holidays, and reporting obligations.                                                                    |
| Horticulture Agribusiness                  | Minister of Manpower Regulation No. 27 of 2015                             | Regulates overtime wages and reporting obligations.                                                                                                  |
| Maritime (Crew)                            | Government Regulation No. 7 of 2000                                        | Regulates overtime wages, overtime on holidays, and overtime calculation.                                                                            |
| General Mining (Certain Operational Areas) | Minister of Manpower and Transmigration Regulation No. PER.15/MEN/VII/2005 | Regulates overtime wages and reporting obligations.                                                                                                  |
| General Employment Sector                  | Government Regulation No. 35 of 2021                                       | Regulates overtime limits, overtime wages, and the mandatory provision of food and beverages of at least 1,400 kcal for overtime of 4 hours or more. |

Source: Author's Work

Overtime work arrangements in Indonesia are applied through Government Regulation No. 35 of 2021 and regulated in various business fields with different work characteristics. Each sector has special arrangements regulating the definition of overtime work, the deadline for the implementation, the calculation of overtime wages, and the obligation to report to employment agencies. There are differences in the technical aspects, even though the regulations show a common goal of providing legal protection for workers who carry out work beyond normal working hours. Among the various existing sectoral regulations, the provisions in Government Regulation No. 35 of 2021 regulate time and wages, expressly requiring companies to provide food and beverages of 1,400 kilocalories for workers who work overtime for four hours or more. This condition shows that the Indonesian labor law system views overtime as a matter of economic compensation through wages and a form of protection for the health and welfare of workers while carrying out additional work.

Long working hours are associated with a poor-quality diet.<sup>20</sup> Indicators of poor diet quality include eating in a hurry, instant food, skipping meals, and a lack of attention to food content. The obligation to provide food and beverages with a content of 1,400 kilocalories, as stipulated in Article 29 Paragraph (1) letter c, does not have a clear regulation. This is because

<sup>20</sup> Seong-uk Baek et al., "Association between Long Working Hours and Diet Quality and Patterns : A Latent Profile Analysis of a Nationally Representative Sample of Korean Workers," *Preventive Medicine* 180, no. February (2024): 107890, <https://doi.org/10.1016/j.ypmed.2024.107890>.

1,400 kilocalories is a unit that cannot show the type of food provided. The provision of food and beverages and a limit of 1,400 kilocalories does not indicate a direction of regulation that provides a balance between the addition of longer working hours and health.

Overtime work arrangement in Singapore places more emphasis on wages and payment times when compared to the comparative approach. For overtime work, employers must pay a minimum of 1.5 times the hourly basic wage rate. Singapore's <sup>21</sup> policy does not indicate an obligation to provide food and beverages with a certain kilocalorie standard to overtime workers. In contrast, Malaysia has a policy on overtime slightly different from Singapore. The legal basis allows the government to supervise overtime work in the country. This is because the concept is grounded in the provisions of Article 60A(4)(a), where the Director General, upon a written application, may authorize workers within a particular industry, business, or institution to work beyond the prescribed overtime limits. The provision indicates that overtime is a planned and foreseeable arrangement since employers may submit previous applications in anticipation of job classifications and tasks requiring overtime work. Concerning remuneration, Malaysia provides a statutory basis for overtime pay calculations comparable to the framework in Singapore. In contrast to Article 60A(3)(a), any overtime work performed beyond normal working hours shall be compensated at a rate of not less than one and a half times the worker's hourly wage rate, irrespective of the method used to determine the basic wage rate. After being traced, there is no legal basis regarding the provision of food and drinks with certain kilocalories to overtime workers. In comparing Indonesia, Singapore, and Malaysia, Indonesia regulates overtime work schemes in private relationships between employers and workers on the basis of company regulations or cooperation agreements. Meanwhile, the Singapore Government's policy focuses on the calculation of overtime wages. Malaysia has a regulation on reporting jobs to the government by employers in relation to the potential to hire overtime workers. The three countries have similarities in the calculation of the basic value of wages, which is 1.5 times the hourly wage. The calculation is in line with Article 6, Point 2 of the Hours of Work (Industry) Convention, 1919 (No. 1), where the rate of overtime wages shall not be less than one-quarter of the regular rate. Based on the search results, only Indonesia provides an additional 1,400 kilocalories of food and beverages for overtime work that lasts for a minimum of four hours.

The obligation to provide food and beverages for overtime workers in Indonesia is an administrative obligation of employers and a form of protection for the health, safety, and welfare of workers. The regulation of providing food and beverages of at least 1,400 kilocalories shows that overtime work is seen as an additional working condition requiring physical support and energy for workers. Therefore, the provision cannot be replaced with money because the purpose is to ensure that workers obtain sufficient energy intake while working beyond the normal time limit.

From the perspective of industrial relations, the non-fulfilment of rights to food and beverages during overtime can affect the employment relationship between the company and the worker.

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<sup>21</sup> Ministry of Manpower Singapore, "Hours of Work, Overtime and Rest Day," <https://www.mom.gov.sg/>, 2025, <https://www.mom.gov.sg/employment-practices/hours-of-work-overtime-and-rest-days>.

The fulfilment of normative rights is an important factor in creating harmonious and equitable industrial relations. Workers may perceive that welfare is not adequately protected when a company fails to comply with obligations expressly required under applicable laws and regulations. This condition has the potential to reduce job satisfaction, organizational commitment, and increase workers' desire to quit. High work stress and poor work-life balance have a significant influence on workers' intention to quit.<sup>22</sup> Studies show that the high frequency of overtime work, large work pressure due to production targets, and heavy workloads triggering stress are the main factors for quitting.<sup>23</sup>

The foregoing analysis demonstrates that the legal protection of overtime workers cannot be adequately assessed solely through the fulfilment of monetary entitlements and working-time restrictions. The obligation under Article 29(1)(c) of Government Regulation No. 35 of 2021 represents a distinct dimension of labour protection because it addresses workers' physiological needs arising from extended working hours. Nevertheless, the existence of an explicit statutory entitlement does not necessarily ensure substantive protection when the applicable norm lacks operational standards for nutritional adequacy, compliance verification, and evidentiary assessment. This reveals a fundamental distinction between the normative recognition of workers' nutritional rights and their effective realisation in employment relationships. From a regulatory perspective, the principal challenge is therefore not merely to maintain the 1,400-kilocalorie requirement, but to establish an implementation framework that translates this quantitative threshold into a verifiable and enforceable employer obligation. Such a framework should integrate nutritional standards, transparent documentation, and risk-based labour inspection while preserving the mandatory and non-substitutable character of the entitlement. Accordingly, nutritional protection should be conceptualised as an integral component of occupational health and decent work, rather than as a supplementary benefit contingent upon employers' discretion. This interpretation strengthens the legal rationale for treating nutritional entitlements as an autonomous dimension of overtime protection and provides a basis for evaluating the adequacy of existing enforcement mechanisms, as further examined in the following subsection.

### **3.2 Legal Consequences for Companies That Do Not Provide Food and Beverages 1,400 Kilocalories when Workers Are Overtime**

The relationship between workers and the company is mutually dependent. Therefore, when one party fulfils the obligations, the corresponding rights of the others are also realized.<sup>24</sup> Regarding the provision of 1,400 kilocalories for overtime workers, the adequacy should be assessed from legal and health perspectives. From a legal perspective, this is the minimum

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<sup>22</sup> Luh Putu Sutrisna Upadianti and Ida Bagus Ketut Surya, "Job Stress and Work-Life Balance on Turnover Intention : The Mediating Role of Job Satisfaction," *International Research Journal of Management, IT & Social Sciences* 12, no. 4 (2025): 135–50, <https://doi.org/https://doi.org/10.21744/irjmis.v12n4.2520> Job.

<sup>23</sup> Rina Ramdani and Nurul Hermina, "Work – Life Balance , Job Stress , and Turnover Intention : The Mediating Role of Job Satisfaction at PT Global Kriya Nusantara," *Dinasti International Journal of Education Management and Social Science* 7, no. 2 (2025): 2186–96, <https://doi.org/https://doi.org/10.38035/dijemss.v7i2>.

<sup>24</sup> Irfan Rizky Hutomo, Mohamad Tohari, and Kadar Budi Utomo, "Perlindungan Hukum Terhadap Pekerja Hiburan Malam Berdasarkan Undang – Undang Ketenagakerjaan (Studi Kasus Di Café Atau Tempat Karaoke Di Wilayah Kecamatan Bandung)," *JPeHI (Jurnal Penelitian Hukum Indonesia)* 5, no. 1 (2024): 56–75, <https://doi.org/https://doi.org/10.61689/jpehi.v5i01.581>.

standard that the company must meet. In terms of health, workers who work longer require additional energy intake than those who work at normal times. However, companies experience difficulty in fulfilling and providing these requirements, given the increasing prevalence of remote overtime work outside the office and beyond standard working hours.<sup>25</sup> Overtime constitutes a demanding category of labor. Workers engaged in heavy workloads require recovery of energy and restoration of nutritional status through a balanced diet.<sup>26</sup> The company's obligation to provide food and beverages for overtime workers is a formal requirement.<sup>27</sup> Obligations are normative rights and protection for the health and welfare of workers while carrying out work beyond the normal time limit. The provision of food and drinks for workers cannot be equated with a voluntary act of the company, but rather as a form of legal obligation to fulfill the rights of overtime workers. However, foods and drinks that contain 1,400 kilocalories are not necessarily nutritious. Some government legal products provide a standard that the nutritious food meets a minimum of 1,400 kilocalories. This is stated in Article 3, paragraph (1) of the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Kep. 224 /MEN/2003 concerning the Obligations of Employers Who Employ Female Workers between 23.00 and 07.00.

The company's failure to comply with the obligation to fulfil the rights of overtime workers leads to disputes over rights, which may result in litigation before the Industrial Relations Court.<sup>28</sup> Workers who are affected by the non-fulfilment of rights can file lawsuits against the company.<sup>29</sup> Moreover, 20 years ago, the International Labor Organization (ILO) reported that food at work was closely related to the pillars of the ILO Decent Work Agenda as a form of embodiment of decent work with respect for human dignity. This was achieved through the Promotion of Worker Health and Welfare at Work program, which was part of the Focus Program on Occupational Safety and Health and the Environment. Factors related to diet, rest time, and sedentary behavior can affect the level of health, welfare, and productivity of workers.<sup>30</sup>

As part of the normative obligation, the provision of food and beverages for overtime workers must be understood as part of occupational health protection. Energy intake is also important to obtain physical support in carrying out additional work. The provisions of Article 29 of Government Regulation No. 35 of 2021, which require the provision of 1,400 kilocalories and cannot be replaced with money, are an administrative number and a minimum standard of

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<sup>25</sup> Nur Putri Hidayah and Isdian Anggraeny, "Fulfillment of Workers' Rights in Remote Working: The Perspective of Labor Development Principle in Indonesia," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (2023): 124–37, <https://doi.org/10.22219/ljih.v31i1.25338>.

<sup>26</sup> Carlos Rodrigo Nascimento de Lira et al., "Dietary Patterns, Occupational Stressors and Body Composition of Hospital Workers: A Longitudinal Study Comparing before and during the COVID-19 Pandemic," *International Journal of Environmental Research and Public Health* 20, no. 2166 (2023): 1–16, <https://doi.org/https://doi.org/10.3390/ijerph20032166>.

<sup>27</sup> Pratama and Wijayanti, "Perlindungan Hukum Bagi Pekerja Atas Upah Lembur Di Perusahaan Alih Daya."

<sup>28</sup> Ruth Elvira Eirene Sinambela, Evelyne Ranti Maynina Br. Ginting, and Sri Handayani Universitas, "Problematika Hukum Bisnis: Dampak Pelanggaran Atas Upah Lembur Bagi Perusahaan," *Indonesian Journal of Law and Justice* 3, no. 3 (2026): 1–7, <https://doi.org/https://doi.org/10.47134/ijlj.v3i3.5621>.

<sup>29</sup> Putri and Suartini, "Tanggung Jawab Mitra Dalam Perhitungan Jam & Upah Lembur Karyawan Perusahaan Alih Daya Berdasarkan PP No. 35 Tahun 2021 Tentang PKWT, Alih Daya, Waktu Kerja Dan Waktu Istirahat, Dan PHK."

<sup>30</sup> María-José Foncubierta-Rodríguez, Miriam Poza-Méndez, and Magdalena Holgado-Herrero, "Workplace Health Promotion Programs: The Role of Compliance with Workers' Expectations, the Reputation and the Productivity of the Company," *Journal of Safety Research* 89, no. March (2024): 56–63, <https://doi.org/10.1016/j.jsr.2024.02.008>.

protection for workers. The prohibition of replacing food and drinks with money has an important meaning in the concept of Indonesian labor law. The main purpose of health protection will shift when food and drinks can be replaced with money.

Even though the obligation to provide food and beverages containing 1,400 kilocalories has been established as a mandatory legal requirement, the implementation remains subject to several practical challenges. The existing legal framework does not provide technical guidelines regarding the types of food that satisfy the standard, the method for calculating nutritional content, or the procedures for verifying employers' compliance. In labor inspection practices, inspectors are limited to verifying the provision of food, without objective standards to determine the minimum 1,400-kilocalorie requirement prescribed by law.

The non-provision of food and drinks for overtime workers can cause an imbalance in the work relationship. The worker has fulfilled obligations by doing work that exceeds the normal working time. However, the company does not fulfill all the rights of overtime workers. The imbalance in the reciprocal relationship is the basis for rights disputes as stipulated in Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (Law No. 2 of 2004). Referring to Article 1, Number 2 explains that "A dispute of rights arises due to the non-fulfillment due to differences in the implementation or interpretation of the provisions of laws and regulations, employment agreements, company regulations, or collective labor agreements." In the explanatory section of Article 2 of Law No. 2 of 2004, "A dispute of rights is stipulated in employment agreements, company regulations, collective bargaining agreements, or laws and regulations."

The dispute over the right to resolve begins with bipartite negotiations through consensus deliberation without interference.<sup>31</sup> The parties register the dispute with the agency responsible for the local labor sector by attaching evidence of resolution through bipartite negotiations.<sup>32</sup> In addition, the disputing parties can continue the resolution stage when bipartite negotiations fail, with settlement through conciliation and arbitration as stipulated in Article 17 and Article 29 of Law No. 2 of 2004. The state accommodates the interests of the parties in the dispute and the right to resolve the dispute through the Industrial Relations Court as stipulated in Article 55 of Law No. 2 of 2004. Referring to the provisions of Article 56, the Industrial Relations Court has the duty and authority to examine and decide at the first level.

The rights of workers to overtime that are not fulfilled by the company have legal consequences. Referring to the provisions of Article 61 of Government Regulation No. 35 of 2021, employers who violate the provisions of Article 29 paragraph (1) letter c are subject to administrative sanctions, including written reprimands, restrictions on business activities, temporary suspension of part or all production equipment, and freezing of business activities. Normatively, Indonesian labor law provides several legal enforcement mechanisms, such as civil remedies, administrative sanctions, and criminal sanctions, depending on the legal nature

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<sup>31</sup> Al Syifa Indriyani and Mustika Prabaningrum Kusumawati, "Tinjauan Yuridis Penyelesaian Perselisihan Hak (Upah) Antara Pekerja Dan Pengusaha Di Pengadilan Hubungan Industrial Pada Pengadilan Negeri Yogyakarta Kelas IA," in *Prosiding Seminar Hukum Aktual: Kebijakan Lingkungan Hidup Di Indonesia: Refleksi Dan Tantangan*, vol. 1, 2023, 165–81.

<sup>32</sup> Ari Yuliastuti and Emi Syarif, "Penyelesaian Perselisihan Hubungan Industrial Menggunakan Acte Van Dad," *Jurnal Ketenagakerjaan* 16, no. 2 (2021): 88–102, <https://doi.org/https://doi.org/10.47198/naker.v16i2.107>.

and severity of the violation. From a criminal law perspective, violations of the right to overtime pay are regulated in relation to the non-payment of wages as stipulated in Article 187 of Law No. 13 of 2003, under the amendment of Law No. 6 of 2023. The provision states that any person who violates the provisions referred to in Article 78 paragraph (2) concerning the right to overtime wages is subject to criminal sanctions in the form of imprisonment for a minimum of one (1) month and a maximum of twelve (12) months, or a fine of at least Rp10,000,000.00 (ten million rupiah) and a maximum of Rp100,000,000.00 (one hundred million rupiah). Therefore, the company's failure to provide food and beverages equivalent to 1,400 kilocalories does not attract criminal sanctions. The potential consequences arising from the violations are only administrative and civil in nature. Administrative consequences are provided for under Article 61 of Government Regulation No. 35 of 2021. The civil consequences arising from the non-fulfilment of overtime workers' entitlement to food and beverages fall within the category of rights disputes, which may be brought before the Industrial Relations Court through litigation.

From an enforcement perspective, the existing dispute resolution mechanisms do not necessarily provide effective protection for workers' rights to overtime nutritional entitlements. Workers often face significant obstacles in pursuing legal claims due to the unequal bargaining position, concerns over the continuity of employment, as well as the costs and lengthy duration of dispute resolution proceedings. Furthermore, proving violations of employers' obligation to provide food and beverages containing 1,400 kilocalories is not straightforward. Unlike overtime wage claims substantiated through payroll records, compliance with nutrition requires evidence regarding the food provided by employers. The absence of technical standards governing measurement methods and documentation of caloric content makes the evidentiary process considerably more difficult for workers and labor law enforcement authorities.

The imposition of sanctions against companies that do not fulfill labor obligations is a legal instrument used to promote compliance and prevent violations affecting workers. Administrative sanctions have a more preventive and efficient character in handling violations of government regulations. However, their effectiveness faces various obstacles, such as weak supervision, apparatus integrity problems, and potential abuse of authority. Civil law enforcement aims to resolve disputes between parties through judicial mechanisms while ensuring procedural justice. The effectiveness is frequently constrained by lengthy proceedings, relatively high litigation costs, and difficulties in enforcing court judgments.<sup>33</sup>

The existence of administrative sanctions reflects the State's commitment to promoting employers' compliance with the protection of workers' rights. The effectiveness of the sanctions depends on the quality of labor inspection and enforcement. In practice, the limited number of labor inspectors relative to the large number of enterprises restricts the frequency and coverage of workplace inspections, preventing effective monitoring across all workplaces.<sup>34</sup> Therefore,

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<sup>33</sup> Mashari and Suroto, "Efektivitas Eksekusi Terhadap Pengusaha Yang Tidak Membayar Pesangon Pekerja Di Perusahaan," *Jurnal Pembangunan Hukum Indonesia* 4, no. 3 (2022): 459–70, <https://doi.org/https://doi.org/10.14710/jphi.v4i3.459-470>.

<sup>34</sup> Faizal Amir P Nasution et al., "Transformation of the Labor Inspection System in Indonesia : Towards an Effective Centralized Model," *Jurnal Ketenagakerjaan (J-Naker / The Indonesian Journal of Manpower)* 19, no. 3 (2024): 405–19, <https://doi.org/10.47198/naker.v19i3.434>.

violations of employers' obligations to provide food and beverages for overtime workers may not be detected at an early stage.

Weak enforcement is increased by the absence of specific inspection criteria governing compliance with the 1,400-kilocalorie requirement. Labor inspectors lack uniform standards regarding the types of food, nutritional composition, and measurement methods used to assess employers' compliance. Therefore, the enforcement of administrative sanctions depends more on workers' complaints than on proactive government inspections. This enforcement gap may reduce employers' compliance since the likelihood of sanctions remains relatively low in the absence of formal complaints or adequate inspections.

Administrative sanctions allow the government to move and intervene more quickly compared to the mechanism of settlement through the courts. Violations can be stopped with the enforcement of administrative laws, and the impact on workers is minimized. However, the effectiveness is highly dependent on the quality of enforcement by the Manpower Supervisor. The mechanism fights for the restoration of rights that are not fulfilled by the company. These forms of proceedings for labor rights violations through administrative enforcement and lawsuit mechanisms are complementary means in the Indonesian labor protection system. Administrative sanctions serve to stop violations quickly, while Industrial Relations Court mechanisms restore workers' rights that are not fulfilled.

#### **4. CONCLUSION**

This study concludes that employers' obligation to provide food and beverages containing at least 1,400 kilocalories to workers performing overtime for four hours or more under Article 29(1)(c) of Government Regulation No. 35 of 2021 constitutes a mandatory labour right that complements overtime wages and rest periods as part of occupational health and welfare protection. Non-compliance may trigger administrative sanctions under Article 61 of the Regulation and rights disputes that can be pursued through the industrial relations dispute resolution framework. However, the effectiveness of this protection remains constrained by the absence of detailed technical standards for nutritional composition, caloric measurement, compliance verification, and evidentiary documentation, as well as limitations in labour inspection capacity. The novelty of this study lies in its juridical conceptualisation of overtime workers' nutritional entitlements as an integral dimension of labour protection, extending the analysis beyond the predominantly wage-centred approach in previous scholarship. The comparative examination of Indonesia, Singapore, and Malaysia further highlights the distinctive position of Indonesia's statutory nutritional entitlement, while revealing the need to strengthen its operational implementation. Accordingly, the government should establish technical implementing guidelines specifying nutritional standards, objective verification procedures, and standardised inspection criteria, supported by strengthened labour supervision and accessible remedies for workers. These measures are necessary to reduce legal uncertainty, improve regulatory enforceability, and ensure that the statutory entitlement provides effective protection in practice.

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The authors declare that generative artificial intelligence was used as an assisting tool during the preparation of this manuscript. Specifically, ChatGPT, Claude, and Grammarly were used to improve the language quality and overall readability of the text.

All AI-generated outputs were critically reviewed, edited, and verified by the authors to ensure accuracy and maintain scientific integrity. The authors assume full responsibility for the final content of the manuscript.

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