

The Principle of Justice in The Dispute Between Hendy Irwanto Fong and KSP Indosurya Regarding Termination of Employment

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Abstract

*This study analyzes the application of the principle of justice in efficiency-based employment termination disputes, focusing on Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022 concerning the dispute between Hendy Irwanto Fong and KSP Indosurya. The increasing reliance on efficiency as a ground for termination, particularly during periods of economic crisis, has intensified tensions between business sustainability and the protection of workers' rights. This research employs a normative juridical method using statutory, case, and conceptual approaches to examine judicial reasoning and its implications for substantive justice. The findings reveal that the Supreme Court prioritized procedural legal certainty by affirming the *judex facti* decision, while insufficiently addressing proportional fairness in the calculation and fulfillment of workers' entitlements. The absence of complete material evidence, particularly regarding wage components, significantly weakened the worker's claim and resulted in limited protection of substantive rights. This study demonstrates that formal compliance with procedural law often outweighs considerations of distributive and corrective justice, as articulated in Aristotelian justice theory. The novelty of this research lies in its dual contribution: practically, it formulates strategic guidance for drafting employment termination claims that are both formally valid and materially substantiated to strengthen workers' access to justice; academically, it enriches labor law scholarship by integrating justice theory with judicial practice in Indonesian industrial relations disputes. The study concludes that achieving fairness in employment termination cases requires not only procedural compliance but also material completeness, judicial sensitivity to proportional justice, and institutional support to address evidentiary imbalances between employers and workers.*

Keywords: *Employment Termination; Efficiency; Justice Principle; Labor Dispute; Supreme Court Decision*

1. INTRODUCTION

Termination of employment is an important aspect of industrial relations because it directly affects workers' livelihoods and social welfare. Termination of employment not only ends the employment relationship but also eliminates sources of income, causes psychosocial stress, and increases the risk of poverty.¹ Therefore, from a legal standpoint, termination cannot be carried out arbitrarily and must follow mechanisms that ensure the principles of fairness, balance, and certainty. These principles are embedded in (Law No. 13/2003) concerning Manpower, particularly Articles 150–154, which regulate the process of negotiation, notification, and consultation in employment termination.²

Historically, Law No. 13 of 2003 became the main foundation for labor law reform after the Old Order and New Order periods, replacing less comprehensive regulations. This law introduced significant changes by incorporating labor unions and bipartite/tripartite

¹ Zaeni Asyhadie and Rahmawati Kusumawati, “Hukum Ketenagakerjaan Dalam Teori Dan Praktik Di Indonesia,” *Prenada Media*, (2019): 180.

² Muhamad Sadi. Is, “Hukum Ketenagakerjaan Di Indonesia,” *Prenada Media*, (2020): 268.

mechanisms into the labor dispute resolution system.³ However, despite its comprehensive nature, the implementation of this law often fails to guarantee substantial justice because many terminations of employment still occur without genuine dialogue between workers and employers. This reflects a research gap in which procedural compliance dominates judicial considerations, while the material rights of workers remain underprotected.⁴

The Covid-19 pandemic (2020–2022) intensified these challenges. Economic contraction forced companies to take *efficiency measures*, often resulting in mass layoffs conducted without proper procedures. Some employers disguised layoffs as “forced resignations,” neglecting workers’ statutory rights.⁵ Although the pandemic could be considered a force majeure, it does not eliminate the legal obligation to fulfill workers’ rights. This phenomenon demonstrates the growing tendency to justify layoffs on efficiency grounds of an area that raises urgent questions about how far the principle of justice is upheld in court decisions.⁶

Empirical evidence shows that during the pandemic, many workers faced difficulties accessing legal aid due to social and economic restrictions, while employers gained wider discretion under the guise of efficiency. The imbalance of legal power between the two parties resulted in numerous disputes being resolved informally or not at all, especially in the informal and micro-enterprise sectors. This context provides the socio-legal background for analyzing the Indosurya case, which reflects the judicial interpretation of efficiency-based termination amid crisis conditions.⁷

The case of Hendy Irwanto Fong v. KSP Indosurya (Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022) is emblematic of this issue. The Supreme Court rejected the cassation and affirmed that the dismissal complied procedurally with the law. However, the decision raised a crucial question of justice proportionality, whether efficiency as a legitimate reason for termination adequately considers fairness to workers.⁸ Using Aristotle’s theory of distributive and corrective justice, this case illustrates how judicial reasoning often prioritizes formal correctness over substantive equality.⁹

³ Zainal Asikin and Lalu Hadi Adha, “Hukum Ketenagakerjaan Dari Hukum Perburuhan Menuju Hukum Ketenagakerjaan,” Prenada Media, (2023), <https://prenadamedia.com/produk/hukum-ketenagakerjaan-dari-hukum-perburuhan-menuju-hukum-ketenagakerjaan/>.

⁴ Bagus Oktafian Abrianto, “Hukum Ketenagakerjaan Pasca-Undang-Undang Cipta Kerja: Pengantar, Hakikat Hubungan Kerja, Dan Perkembangan Hukum Ketenagakerjaan,” *Jakarta: Kencana*, (2024): 119.

⁵ Aries Harianto, “Problema Hukum Ketenagakerjaan,” *Media Nusa Creative*, (2021): 57, <https://bintangpusnas.perpusnas.go.id/konten/BK25938/problema-hukum-ketenagakerjaan>.

⁶ Lauren Tanera and Ariawan Gunadi, “Implikasi Pemutusan Hubungan Kerja Sepihak Bagi Hak Pekerja Pasca UU Cipta Kerja,” *Legal Standing : Jurnal Ilmu Hukum* 9, no. 4 (2025): 809–27, <https://doi.org/10.24269/LS.V9I4.11838>.

⁷ Rahmat Ramdhan Arsyad, “Perlindungan Hukum Terhadap Hak Pekerja Akibat Pemutusan Hubungan Kerja (PHK) Sepihak Pada Perusahaan Alihdaya (Outsourcing) Di Dinas Tenaga Kerja, Koperasi, Dan UKM Kota Gorontalo,” *Perspektif Administrasi Publik Dan Hukum* 2, no. 1 (2025): 89–97, <https://doi.org/10.62383/PERSPEKTIF.V2I1.99>.

⁸ Moh Fadhel Abd Jalil and Fenny Fatriani, “PHK Sepihak: Prosedur, Hak Pekerja, Dan Penyelesaiannya Secara Hukum,” *Jurnal Res Justitia: Jurnal Ilmu Hukum* 5, no. 1 (2025): 402–10, <https://doi.org/10.46306/RJ.V5I1.247>.

⁹ Muhammad Azrul Ariullah dan Nabil Hafidz Alkhairi, “Konsep Keadilan menurut Aristoteles, Ibnu Khaldun, dan Korelasi dengan Undang-Undang 1945 Berdasarkan Implementasinya di Pemerintah Kelurahan Karangbesuki Malang,” *AHKAM: Jurnal Hukum Islam dan Humaniora* 4, no. 3 (2025): 1039–1056, <https://doi.org/10.58578/ahkam.v4i3.7101>

An analysis of the Supreme Court's reasoning provides insight into how the judiciary balances three interests: (1) the worker's right to fair compensation, (2) the employer's authority to implement efficiency, and (3) the sustainability of business operations during a national crisis.¹⁰ These considerations reveal the tension between procedural rationality and substantive fairness, which forms the conceptual focus of this study.¹¹

An analysis of the Supreme Court judges' considerations in this case provides an overview of how the court balanced: (1) workers' rights to severance pay in accordance with legal provisions, (2) employers' authority to implement efficiency measures, and (3) the need to maintain business operations in the face of a national crisis. Thus, the ruling is relevant as an indicator of how the court applies the principle of proportionality in the world of labor law.¹²

Previous research by Wijaya, Solechan, and Suhartoyo highlighted the legal basis for termination of employment based on (Law No. 13/2003), but did not examine how the court's legal reasoning interpreted termination of employment based on efficiency.¹³ Rahmawati emphasizes workers' rights protection, but the analysis focuses on normative compliance without addressing procedural or compensation discrepancies.¹⁴ Meanwhile, Haidar compared (Law No. 13/2003) with Government Regulation No. 35/2021 and found that regulatory reform increased employer flexibility at the expense of worker protection.¹⁵ These studies, while valuable, remain descriptive and lack a judicial and practical dimension, especially regarding how termination claims can be effectively constructed to uphold justice principles in practice.¹⁶

This gap becomes particularly visible in court practice, where many lawsuits are rejected not because of weak rights but due to formal deficiencies, incomplete claims, lack of documentary evidence, and poor legal framing. Consequently, even when workers are

¹⁰ Salma putri Khaerani and Siti Hajati Hoesin, "Perlindungan Hukum Bagi Pekerja Yang Terdampak Pemutusan Hubungan Kerja Sepihak Yang Dilakukan Oleh Perusahaan Diakibatkan Perusahaan Tidak Mampu Bertahan Usai Diterjang Pandemi Covid-19," *Jurnal Ilmiah Global Education* 5, no. 3 (2024): 2180–88, <https://doi.org/10.55681/JIGE.V5I3.2982>.

¹¹ Rudi Febrianto Wibowo and Ratna Herawati, "Perlindungan Bagi Pekerja Atas Tindakan Pemutusan Hubungan Kerja (PHK) Secara Sepihak," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 109–20, <https://doi.org/10.14710/JPHI.V3I1.109-120>.

¹² Rhea Ditya Aulawi, Rahmayanti, and Ismaidar, "Juridical Analysis Of Companies That Unilaterally Lay Off Employees And Severance Pay That Does Not Match The Length Of Service," *International Journal of Society and Law* 2, no. 1 (2024): 73–81, <https://doi.org/10.61306/IJSL.V2I1.75>.

¹³ Agus Wijaya, Solechan, and Suhartoyo, "Analisis Yuridis Pengaturan Pemutusan Hubungan Kerja Dalam Undang-Undang Ketenagakerjaan Setelah Pengesahan Undang-Undang Cipta Kerja," *Diponegoro Law Journal* 11, no. 2 (2022): 4–12, <https://doi.org/10.14710/DLJ.2022.33437>.

¹⁴ Agustini Dwi Rahmawati, "Analysis of the Supreme Court Decision on the Calculation of Compensation Based on the Reason for Termination of Employment (Case Study of Supreme Court Decision Number 131 K/Pdt.Sus-PHI/2024)," *Indonesian Journal of Labour Law and Industrial Relations* 1, no. 02 (2024): 92–106, <https://doi.org/10.26740/IJLLIR.V1I02.36385>.

¹⁵ Mahdi Haidar, "Reformulasi Ketentuan Masa Kerja pada Perjanjian Kerja Waktu Tertentu Berdasarkan Jangka Waktu," *Masalah-Masalah Hukum* 51, no. 2 (2022): 179–185, <https://doi.org/10.14710/mmh.51.2.2022.179-187>.

¹⁶ Azahery Insan Kamil, Hari Purwadi, dan Isharyanto Isharyanto, "The Regulation of Employment Agreements after the Enactment of Law Number 11 of 2020 Concerning Job Creation," *Research, Society and Development* 11, no. 10 (2022): 2–6, <https://doi.org/10.33448/RSD-V11I10.32843>.

substantively entitled to compensation, procedural errors undermine their access to justice. This study seeks to bridge this gap by examining both the court's reasoning and the structural weaknesses of termination claims.¹⁷

Therefore, this study conducts a normative legal analysis of the Supreme Court's judgment in the Indosurya case to evaluate how justice principles are applied in efficiency-based terminations. The objectives are: (a) to describe judicial considerations of the lawsuit's arguments, (b) to identify procedural and substantive aspects often overlooked by plaintiffs, and (c) to propose strategies for drafting termination claims that are formally valid and materially strong. The originality of this research lies in its dual contribution: practically, offering litigation strategies that strengthen workers' access to justice; and academically, enriching labor law scholarship by integrating Aristotelian proportionality into the analysis of Indonesian labor jurisprudence.¹⁸

2. METHOD

This study employs a normative juridical method with a conceptual approach, which is suitable for analyzing employment termination disputes from the perspectives of statutory regulation, legal principles, and judicial interpretation.¹⁹ The research focuses on Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022 concerning the termination of employment of Hendy Irwanto Fong, to determine whether workers' rights were adequately protected under Law No. 13/2003 on Manpower and its derivative regulations.

The primary legal materials used include (Law No. 13/2003) on Manpower, Government Regulation No. 35 of 2021 on Fixed-Term Employment and Termination, and Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022. Secondary legal materials consist of scholarly books, journal articles on labor law and justice theory, and legal commentaries from credible academic databases. Data were collected through legal literature review and document analysis, including tracing judicial decisions via the Supreme Court's online directory (*Direktori Putusan Mahkamah Agung*) and reviewing academic publications related to efficiency-based employment termination.

The qualitative analysis proceeds in several stages: (1) interpreting statutory provisions governing termination and workers' entitlements; (2) analyzing judicial reasoning in the selected Supreme Court decision; (3) comparing it with similar labor termination cases to identify consistency or divergence in legal reasoning; and (4) applying Aristotle's theory of distributive and corrective justice to evaluate whether the judgment reflects substantive justice for workers. This methodological framework directly supports the research objectives,

¹⁷ Muhammad Syahrul Firjatullah, Wahyu Wasis, dan Nur Putri Hidayah, "Legal Protection for Workers from Direct Termination of Employment by Employers: Legal Vagueness and Its Strengthening," *Audito Comparative Law Journal* 6, no. 1 (2024): 14–28, <https://doi.org/10.22219/aclj.v6i1.35572>.

¹⁸ Masrifatun Mahmudah dan Dwi Pratiwi Markus, "Pengaturan PHK Efisiensi dalam Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan dan Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja," *Justisi*, Vol. 8 No. 3 (2022), hlm. 148-162. DOI: <https://doi.org/10.33506/jurnaljustisi.v8i3.1917>

¹⁹ Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum: Studi Eksploratif Di Indonesia," *Public Sphere: Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (2024), <https://doi.org/10.59818/JPS.V3I3.1390>.

as it allows a systematic assessment of how legal certainty and justice principles are applied in judicial practice. By integrating statutory interpretation, case analysis, and theoretical evaluation, this approach ensures that the study produces valid, comprehensive, and practically relevant findings for the development of fair and equitable labor dispute resolution.

3. RESULT AND DISCUSSION

3.1 The Judge's Consideration To Reject Hendy Irwanto Fong's Lawsuit Against KSP Indosurya in (Supreme Court Decision No: 1774 K/PDT.SUSPHI/2022)

Based on Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022, Hendy Irwanto Fong, an employee of KSP Indosurya, filed a cassation petition seeking payment of unpaid wages for the period of 2012–2019, amounting to Rp. 3,172,006,071. The decision states that the judge at the Central Jakarta Commercial Court rejected the petition on the grounds that there was no legal error in the previous ruling, which had only partially granted his claim and ordered payment of wages, severance pay, and other entitlements totaling Rp. 384,000,000. This outcome resulted in legal uncertainty for Hendy Irwanto Fong. However, from a critical standpoint, this judicial reasoning appears to emphasize procedural compliance rather than substantive fairness. The cassation rejection merely reaffirmed the lower court's ruling without re-examining whether the awarded compensation accurately reflected the worker's years of service and contribution.²⁰

The termination of employment occurred due to efficiency measures to avoid losses at KSP Indosurya, which, in this case, reflects injustice because it only benefits one party. There is a theory of justice from the legal scholar Aristotle, which explains that laws are made as instruments that are fair and proportional, not biased towards one group, so that they can provide justice for all parties. Aristotle also argued that natural law, or the law of nature, has the same basis as laws that arise from agreements between humans, because both aim to create a good and just life.²¹ By applying Aristotle's theory of distributive and corrective justice, the ruling should balance rights and obligations proportionally by ensuring that the company's efficiency arguments do not negate the workers' right to receive fair compensation. However, the ruling appears to deviate from this balance by prioritizing corporate interests over fair treatment for workers.²²

From this theory, it is clear that in Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022, the role of the Commercial Court Judge only caused injustice to Hendy Irwanto, which benefited the legal entity KSP Indosurya over the rights of its workers. This is contrary

²⁰ Indonesia, *Mahkamah Agung Republik. Putusan Mahkamah Agung Nomor 1774 K/Pdt.Sus-PHI/2022 Tentang Perselisihan Hubungan Industrial Antara Hendy Irwanto Fong Melawan Koperasi Simpan Pinjam Indosurya Cipta.*

²¹ Iwan Erar Joesoef, *Teori Hukum: Dogma, Teori, Filsafat* (Bandung: Citra Aditya Bakti, 2021), hlm. 31, <https://books.google.co.id/books?id=WHcDEQAAQBAJ>.

²² Yosef Keladu, "Kesamaan Proporsional Dan Ketidaksamaan Perlakuan Dalam Teori Keadilan Aristoteles," *Diskursus - Jurnal Filsafat Dan Teologi STF Driyarkara* 19, no. 1 (2023): 54–78, <https://doi.org/10.36383/DISKURSUS.V19I1.347>.

to Article 156 paragraph (3) (Law No. 13/2003), which states that workers' rights in the form of severance pay, service pay, compensation, and others must be obtained.²³ However, the fact that KSP Indosurya did not pay all of these amounts proves the legal injustice applied in court. The judge did not assess whether the principle of proportional justice was fulfilled.²⁴

Similarly, in Supreme Court Decision No. 1058 K/Pdt.Sus-PHI/2023, as analyzed in the study conducted by Purba, Affan, and Lubis, the Court partially granted the worker's claim. Although the termination was deemed valid on the grounds of efficiency, the Supreme Court reaffirmed that employers remain legally bound to pay severance, long-service awards, and compensation for entitlements. This decision emphasizes that efficiency cannot nullify workers' legal rights. When compared with other rulings, it further illustrates the inconsistency in the application of justice in employment termination cases.²⁵

It can be seen that in this case, the judge did not comply with or interpret the law as a principle of justice that treats all parties equally. In this decision, there was no clear reason for rejecting the appeal filed by Hendy Irwanto. The judge should have provided justice to both parties, but this was not done correctly. The absence of detailed judicial reasoning weakens the legitimacy of the ruling, as it fails to demonstrate a careful balance between procedural and substantive justice. Based on Aristotelian corrective justice, the judge should have corrected the imbalance caused by the unequal power relationship in this case between the employer and the employee, but no such corrective effort is evident in the ruling.²⁶

Companies can terminate the employment of their workers for reasons of efficiency due to losses, but it is important to note that the mechanism must be fair, whereby wages or severance pay must still be paid. The ruling did not provide a fair decision, but only favored one party.²⁷ Government Regulation No. 35 of 2021 concerning employment agreements explains in Article 49 that workers are entitled to compensation or severance pay from the company as stipulated in Article 36 letter G, which states that if the company does not pay wages on time for 3 consecutive months and does not fulfill its obligations to its workers, the workers are entitled to compensation or severance pay. This regulatory framework reflects the corrective dimension of justice, ensuring that efficiency-based termination cannot nullify

²³ Centia Sabrina Nuriskia and Andriyanto Adhi Nugroho, "Perlindungan Hukum Pekerja Dalam Penerapan Sistem Remote Working Sebagai Pembaharuan Sistem Kerja," *Jurnal USM Law Review* 5, no. 2 (2022): 678–92, <https://doi.org/10.26623/JULR.V5I2.5555>.

²⁴ Indonesia, *Undang-Undang Republik Indonesia, Nomor 13 Tahun 2003 Tentang Ketenagakerjaan, Pasal 156 ayat (3)*.

²⁵ Fera Audia Br. Purba, Ibnu Affan, and Muhammad Faisal Rahendra Lubis, "Analisis Yuridis Pemutusan Hubungan Kerja Karena Efisiensi (Studi Putusan Nomor 1058 K/Pdt.Sus-PHI/2023)," *Jurnal Hukum dan Kemasyarakatan Al-Hikmah* 6, no. 1 (2025): 9-10, <https://doi.org/10.30743/jhah.v6i1.10907>

²⁶ Muhammad Tio Salsa Wijaya and Arinto Nugroho, "Analisis Yuridis Putusan Hakim Mengenai Pemutusan Hubungan Kerja Karena Perusahaan Mengalami Kerugian Secara Terus Menerus: Studi Kasus Putusan Mahkamah Agung Nomor 1103 K/PDT.SUS-PHI/2020," *Novum: Jurnal Hukum* 10, no. 01 (2023): 191–200, <https://doi.org/10.2674/NOVUM.V0I0.46100>.

²⁷ Dede Agus, "Eksistensi Hubungan Industrial Pancasila Pasca Disahkannya Peraturan Pemerintah Pengganti Undang-Undang Cipta Kerja," *Ius Constitendum: Jurnal Hukum dan Konstitusi* 8, no. 1 (2023): 90–99, <https://doi.org/10.26623/jic.v8i1.6276>.

workers' entitlements. Yet, in Hendy Irwanto's case, the court failed to operationalize this normative safeguard, leading to an outcome that violates the principle of proportional fairness.²⁸

It is certain that in this case, the decision made by the Central Jakarta District Court judge did not provide justice, as it only benefited the company and not the workers. As it should be, the Court, as an institution that can resolve layoffs in this case, has made a decision that is not what the workers expected because the rights that should have been obtained have been violated and are not in accordance with the law. This can also occur due to the lack of government supervision of layoff issues in accordance with Law No. 2/2004. This illustrates that procedural compliance alone cannot substitute for substantive justice.²⁹

The Supreme Court (MA) has confirmed that workers' rights resulting from termination of employment (PHK) must be fulfilled in accordance with the provisions of Article 156 (Law No. 13/2003). These rights include severance pay, service pay, and compensation pay, which must be calculated in proportion to the length of service, position, and company conditions. In this context, if a worker has a long period of service and an important position, in which case the worker was laid off one day before being appointed as a director of the company, the amount of compensation must reflect this, not just the minimum amount as stipulated in (Law No. 13/2003). This proportional assessment aligns with Aristotle's distributive justice, which demands that rewards or compensations be distributed based on contribution and merit. However, the absence of such consideration in this case underscores how the judiciary tends to adopt a formalistic reading of the law, overlooking the deeper purpose of achieving equitable outcomes.³⁰

Article 156 paragraph (1) explains that employers are required to pay severance pay or service pay and compensation for rights that should be received in accordance with existing provisions, namely in paragraph (2) letter H, which explains that if the employee has worked for 7 years or more and has unused annual leave, have not expired, and other provisions or matters stipulated in the collective labor agreement in paragraph (4) and components including basic wages in paragraph (1).³¹ The temporal context of this decision further highlights judicial rigidity. For example, court decision number 220/Pdt.Sus-2021/PN Jkt.Pst

²⁸ Harahap, Arifuddin Muda, Kahyun Irgi Ramadhan, Swity Milen, Ramadhan Anshory, dan M. Jahid Attamamy Harahap. "Perlindungan Hukum Bagi Pekerja Yang Diberhentikan Dengan Tidak Dibayar Pesangonnya (Studi Kasus Putusan No. 148/PDT.SUS-PHI/2020/PN.PLG)." *Yustisi* 10, no. 2 (2023): 52–56. <https://doi.org/10.32832/YUSTISI.V10I2.14322>.

²⁹ Sri Anggita Senggi, "Perlindungan Dan Upaya Hukum Bagi Karyawan Yang Terkena Pemutusan Hubungan Kerja (PHK) Sepihak," *Ganec Swara* 19, no. 1 (2025): 43–48, <https://doi.org/10.59896/GARA.V19I1.174>.

³⁰ Fajar Ramadhan, Agus Mulya Karsona, dan Holyness N. Singadimeja, "The Legal Certainty of the Right to Severance Pay for Retiring Workers of Companies Undergoing Acquisitions," *Administrative and Environmental Law Review* 4, no. 2 (2023): 144–149, <https://doi.org/10.25041/aclr.v4i2.3134>.

³¹ Lidia Febrianti, Thamrin Sambah, and Puti Mayang Seruni, "Komparasi Alih Daya Undang-Undang Ketenagakerjaan Dengan Undang-Undang Cipta Kerja Tahun 2023," *Jurnal USM Law Review* 6, no. 3 (2023): 1193–1209, <https://doi.org/10.26623/JULR.V6I3.7965>.

shows a more empathetic interpretation towards affected workers, but this case demonstrates a strict procedural orientation without sensitivity to social justice.³²

This ruling was issued during the Covid-19 pandemic, when many companies were laying off employees, but workers' rights must still be fulfilled. Hendy Irwanto was laid off before the Covid-19 pandemic, and the pandemic does not absolve employers of their obligation to pay severance pay in accordance with the law. This means that even if an appeal is filed during the pandemic, workers must still fight for fair compensation, and the court must accommodate this.³³

During the Covid-19 pandemic, the government issued Perppu No. 1 of 2020, which was later enacted as Law No. 2 of 2020. This regulation focuses on the government's obligation to be responsible for state financial policies and maintain the stability of the financial system, which essentially emphasizes the state's responsibility to provide protection to the community, especially workers affected by layoffs. Hence, this case study illustrates a broader jurisprudential challenge: how to reconcile procedural correctness with substantive justice in times of crisis. Using Aristotle's framework, the ruling demonstrates a lack of corrective equilibrium, where the judiciary should have acted as a moral counterweight to restore fairness between unequal parties.³⁴

In line with this, the Ministry of Manpower issued Circular Letter Number M/3/HK.04/III/2020, which emphasizes that even though employment relationships may change or end due to the pandemic, employers are still required to fulfill the normative rights of workers in the form of wages, severance pay, and social security. Therefore, the pandemic cannot be used as a reason to waive companies' obligations to pay workers' rights as stipulated in applicable labor regulations.³⁵

3.2 Lawsuits That Should Provide Legal Justice for Workers

In termination of employment (PHK) lawsuits, workers must prepare claims that meet both formal and material requirements as stipulated in civil procedural law. One important element is the completeness of valid evidence, such as employment agreements, pay slips, attendance records, proof of wage transfers, letters of appointment, proof of tax or BPJS deductions, and documents from previous bipartite negotiations or mediation. The completeness of such evidence is crucial because it determines whether the lawsuit will be

³² Haposan Sahala Raja Sinaga dan Gindo L Tobing, "Putusan Pengadilan Hubungan Industrial pada Pengadilan Negeri Jakarta Pusat di Masa Pandemi Covid-19," *Bacarita Law Journal* 4, no. 2 (2024): 109, <https://doi.org/10.30598/bacarita.v4i2.12855>.

³³ Erizka Permatasari, "Hak 'Korban' PHK Imbas Wabah Covid-19," *Hukum Online*, 2020, <https://www.hukumonline.com/klinik/a/hak-korban-phk-imbah-wabah-covid-19-lt5e877921a4f81/>.

³⁴ Indonesia, "Undang-Undang Nomor 2 Tahun 2020 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 1 Tahun 2020 Tentang Kebijakan Keuangan Negara Dan Stabilitas Sistem Keuangan Untuk Penanganan Pandemi Corona Virus Disease 2019 (Covid-19) Dan/Atau Dalam Rangka Menghadapi Ancaman Yang Membahayakan Perekonomian Nasional Dan/Atau Stabilitas Sistem Keuangan Menjadi Undang-Undang," 2020.

³⁵ Kementerian Ketenagakerjaan Republik Indonesia, "Surat Edaran Menteri Ketenagakerjaan Republik Indonesia Nomor M/3/HK.04/III/2020 Tentang Perlindungan Pekerja/Buruh Dan Kelangsungan Usaha Dalam Rangka Pencegahan Dan Penanggulangan Covid-19," 2020.

accepted or rejected by the panel of judges.³⁶ From a critical legal perspective, the lack of complete evidence in many labor cases reflects not only procedural shortcomings but also a broader issue of access to justice, since many workers cannot easily obtain employment records controlled by employers. This evidentiary imbalance underscores how procedural formalities may disadvantage workers in practice.³⁷

In addition to the completeness of evidence, another aspect that is no less important is the preparation of a petition that clearly and thoroughly outlines the normative legal basis for the workers' rights being claimed. The petition must include claims for severance pay, service pay, and compensation pay, in accordance with the provisions of Article 156 (Law No. 13/2003) on Manpower. Inaccuracy or carelessness in stating the legal basis may result in the lawsuit being declared inadmissible on formal grounds. Therefore, legal counsel must not only ensure the petition meets formal legal standards but also build material strength by substantiating every claim with detailed factual evidence, enabling judges to see the substantive injustice suffered by the worker rather than dismissing the case on technical grounds.³⁸

In this case, based on the provisions of Article 156 (Law No. 13/2003), an employee with eight years of service and a monthly salary of IDR 74,250,000 should be entitled to severance pay of IDR 668,250,000 (nine months' salary), service award of IDR 222,750,000 (three months' salary), and compensation for rights amounting to IDR 133,650,000 (15% of the total severance pay and service award), so that the total minimum normative rights that must be received reach IDR 1,024,650,000, not including other claims in the form of wages for April 2020 –February 2021 amounting to Rp816,750,000, six months' process wages of Rp445,500,000, 2020 holiday allowance of Rp74,250,000, and leave entitlements of Rp42,428,571, which when combined result in a total of Rp3,172,066,071; however, the court only granted IDR 384,000,000, an amount that is far below both the total claim and the minimum normative rights, so that the worker lost potential rights of around IDR 640,650,000 when compared to the calculation of the law or even IDR 2,788,066,071 when compared to all the claims filed. However, the details did not include additional supporting evidence, which made the panel of judges less convinced, as it was included in the *judex facti* in the decision, which is a formal and material requirement. This shows that the lack of supporting documentation not only affects case outcomes but also reveals systemic weaknesses in workers' ability to enforce their labor rights effectively. Thus, the issue of incomplete

³⁶ Tumen Tumen and Karlie Hanafi Kalianda, "Keseimbangan Hak Pekerja Dalam Pemutusan Hubungan Kerja Secara Melawan Hukum Oleh Perusahaan," *De Jure Critical Laws Journal* 6, no. 1 (2025): 127–45, <https://doi.org/10.48171/DEJURE.V6I1.103>.

³⁷ Bowie Syabrowie and Binov Handitya, "Analisis Putusan Perselisihan Hubungan Industrial Atas Pelanggaran Berat," *Rampai Jurnal Hukum (RJH)* 3, no. 1 (2024): 43–56, <https://doi.org/10.35473/RJH.V3I1.3076>.

³⁸ Alya Mutiara Dewi, Purwono Sungkowo Raharjo, and Rosita Candrakirana, "Perlindungan Hukum Terhadap Pemutusan Hubungan Kerja (PHK) Di Temanggung," *Majelis: Jurnal Hukum Indonesia* 2, no. 2 (2025): 134–45, <https://doi.org/10.62383/MAJELIS.V2I2.678>.

evidence should be seen as part of a structural access-to-justice problem rather than a mere individual failure.³⁹

From the cassation discussed, an employee named Hendy Irwanto suffered a significant loss because the decision Number 62/Pdt.Sus-PHI/2022/PN Jkt.Pst, which had already been overturned, was appealed to the Supreme Court, resulting in the severance pay, leave compensation, wages, and other benefits totaling IDR 384,000,000 in the previous ruling being revoked. Hendy Irwanto did not receive any compensation and was instead ordered to pay IDR 150 million for the cassation petition he filed, which means that Hendy Irwanto lost the case. The solution that can be taken by Hendy Irwanto is to file a PK (Review) with novum or new evidence that is truly strong to convince the Panel of Judges to grant the liability for wages, severance pay, awards, and leave pay that Hendy should receive without any further deductions and in accordance with the proportional amount that should be obtained. In practical terms, this case highlights the importance of early evidence collection and strategic litigation planning. Plaintiffs and their legal representatives must anticipate the evidentiary challenges by securing authentic documentation and corroborating witness statements before filing the lawsuit, thereby ensuring the case is materially persuasive, not merely procedurally sound.⁴⁰

Based on the previous steps, Hendy Irwanto should prepare a lawsuit with strong evidence that is complete, authentic, and relevant, such as employment agreements, pay slips, attendance records, proof of wage transfers, and related official documents, because the completeness of this evidence is a major factor for judges in assessing the validity of the lawsuit. In addition, Hendy Irwanto must formulate the petition clearly, in detail, and in accordance with Article 156 (Law No. 13/2003) on Manpower, which includes severance pay, service pay, and compensation pay, because inaccuracies in the formulation of the petition can result in the lawsuit being declared materially invalid.⁴¹ On the other hand, lawyers also need to have strong arguments to be able to defend. Here, the government's role through the Ministry of Manpower and labor inspectors becomes crucial. Rather than placing the burden entirely on workers, the state should facilitate access to employment data and verification mechanisms to strengthen workers' evidentiary positions, fulfilling its obligation to ensure equal access to justice in employment disputes.⁴²

³⁹ Naim, Sokhib, Hasriyanti, Hasriyanti, Tuasikal, Hadi, dan Simanjuntak, Kristi Warista. "Pemutusan Hubungan Kerja Menurut Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan (PT. Cendrawasih Dwimega Kencana Sorong)." *Justisi* 8, no. 3 (2022): 163–176. <https://doi.org/10.33506/JS.V8I3.1899>.

⁴⁰ Ferio Ivan Mulyono, Sugeng Santoso PN, and Alivia Hasnanda SM, "Studi Kasus Perlindungan Hukum Pekerja/Buruh Pada Kasus Kepailitan PT Sri Rejeki Isman Tbk (Sritex)," *Gorontalo Law Review* 8, no. 1 (2025): 139–56, <https://doi.org/10.32662/GOLREV.V8I1.4045>.

⁴¹ Fitriani, Rizki Amalia, Rahmad Satria, Agustinus Astono, Angelia Pratiwi Mastiurlani Christina Sitorus, dan Setyo Utomo. "Efektivitas Pengawasan Ketenagakerjaan Terhadap Upah Minimum Pekerja." *Jurnal USM Law Review* 5, no. 2 (December 27, 2022): 809–818. <https://doi.org/10.26623/JULR.V5I2.5761>.

⁴² Yoga Aditya Prasetya and I Gusti Ngurah Adnyana, "Tuntutan Uang Pesangon, Uang Penghargaan Dan Uang Penggantian Hak Melalui Pengadilan Hubungan Industrial Atas Pemutusan Hubungan Kerja Secara Sepihak (Studi Kasus

Hendy's unsuccessful appeal can serve as a lesson, and since it has already been missed, the last legal step that can be taken is to file a case review (PK) by presenting new evidence or evidence that has not been previously submitted or considered, such as more complete evidence of wages, official letters from labor agencies, or other documents proving the company's negligence. With strong evidence, a well-structured petition, and a clear normative legal basis, Hendy Irwanto still has the opportunity to fight for the restoration of his rights while upholding the principles of justice and legal certainty in the termination of employment. Ultimately, the pursuit of justice in employment termination cases depends not only on the workers' diligence in meeting procedural requirements but also on systemic state support to ensure fairness in access to evidence and legal remedies.⁴³

Ideally, from the outset, Hendy Irwanto should prepare strong, complete, authentic, and relevant evidence for the lawsuit, such as employment agreements, pay slips, attendance records, proof of wage transfers, and other relevant official documents. The completeness of this evidence is a key factor for the judge in assessing the validity of the lawsuit.⁴⁴ In addition, Hendy must also formulate the petition clearly, in detail, and in accordance with Article 156 (Law No. 13/2003) on Manpower. In this cassation case, the Supreme Court rejected Hendy Irwanto's lawsuit because the evidence submitted, such as severance pay transfers, length of service awards, and compensation for rights, was not strongly proven, so the panel of judges did not believe the allegations in the lawsuit. Thus, although Hendy's lawsuit met the formal requirements, the court rejected his lawsuit because it was not proven materially, and the *Judex Facti* was deemed to have correctly applied the law.⁴⁵

4. CONCLUSION

This study concludes that the application of the principle of justice in efficiency-based employment termination disputes in Indonesia remains dominated by procedural legal certainty rather than substantive fairness. The analysis of Supreme Court Decision No. 1774 K/Pdt.Sus-PHI/2022 demonstrates that while the ruling formally adheres to statutory requirements, it inadequately addresses proportional justice in safeguarding workers' rights, particularly concerning the calculation and fulfillment of termination entitlements. The Court's emphasis on evidentiary completeness and procedural correctness resulted in limited consideration of distributive and corrective justice, thereby perpetuating structural inequalities between employers and workers. The findings further indicate that the weakness

Putusan No: 219/Pdt Sus-Phi/2017/PN Mdn," *Bhirawa Law Journal* 3, no. 2 (2022): 145–54, <https://doi.org/10.26905/blj.v3i2.8935>.

⁴³ Angelia and Gunardi Lie, "Penerapan Uang Pesangon Bagi Pekerja Tetap Atas Pemutusan Hubungan Kerja Secara Sepihak," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 2 (2025): 828–36, <https://doi.org/10.38035/JIHHP.V5I2.3189>.

⁴⁴ Annindita Maulida et al., "Akibat Hukum Akta Autentik Yang Dibuat Oleh Organ Yang Tidak Berwenang Sebagai Alat Bukti Dalam Sengketa Kepailitan Legal Consequences Of Authentic Deeds Made By Unauthorized Organs As Evidence In Bankruptcy Disputes Penelitian Ini Akan Mengkaji Putusan P" Vol. 8, no. 2 (2025): 882–900, <https://doi.org/10.26623/julr.v8i2.12029>.

⁴⁵ Siti Amerna Naelayara and Gunardi Lie, "Pemberian Uang Pesangon Yang Diakibatkan Pemutusan Hubungan Kerja (PHK) Sepihak : Dasar Hukum Beserta Implementasinya Di Indonesia," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 2 (2025): 862–67, <https://doi.org/10.38035/JIHHP.V5I2.3191>.

of workers' legal protection stems not only from normative limitations but also from practical obstacles in accessing employment records, which are predominantly controlled by employers. The novelty of this research lies in its integration of justice theory with judicial practice, revealing how procedural formalism can undermine substantive justice in labor adjudication. Practically, this study offers a strategic framework for strengthening employment termination claims through comprehensive evidence, precise legal formulation, and balanced judicial reasoning. It underscores the need for a more responsive judicial approach that harmonizes procedural legality with proportional justice, supported by stronger institutional mechanisms to ensure access to evidence and effective labor supervision. Such an approach is essential to promote fairness, legal certainty, and sustainable labor relations within Indonesia's industrial relations system.

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*The Principle of Justice in The Dispute Between Hendy Irwanto Fong
and KSP Indosurya Regarding Termination of Employment*

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Secara Terus Menerus: Studi Kasus Putusan Mahkamah Agung Nomor 1103 K/Pdt.Sus-Phi/2020.” *Novum : Jurnal Hukum* 10, no. 01 (2023): 191–200. <https://doi.org/10.2674/NOVUM.V0I0.46100>.

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