

Does Indonesia's Job Creation Law Promote Decent Work? An Ex Post Regulatory Impact Analysis of Employment Reform and SDG 8 Alignment

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KEYWORDS	ABSTRACT
Keywords: Omnibus Law; Employment Law; Regulatory Impact Analysis; Decent Work; SDG 8. Conflict of Interest Statement: The author(s) declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest. Copyright © 2025 Vifada Assumption Journal of Law. All rights reserved.	Purpose: This study examines whether Indonesia's Job Creation Law promotes decent work under SDG 8 through an ex post RIA framework. Research Design and Methodology: Using juridical-normative legal research supported by secondary labour data, this study analyses statutory provisions, implementing regulations, Constitutional Court jurisprudence, policy reports, labour statistics, and academic literature. The analysis compares the law's objectives of regulatory simplification, labour market flexibility, and job creation with five decent work indicators: productive employment opportunities, job stability and security, adequate earnings and fair working conditions, social protection, and labour rights and social dialogue. Findings and Discussion: The findings show that the law has contributed to formal regulatory simplification and quantitative employment growth. However, its alignment with SDG 8 remains limited because expanded fixed-term contracts, outsourcing flexibility, reduced termination costs, wage pressures, selective job loss protection, and weak social dialogue increase the risk of precarious work. Implications: This study recommends institutionalising SDG 8-based ex post RIA so that future labour law reforms assess not only job numbers, but also job quality, legal protection, social security, and substantive worker rights.

Introduction

Employment law reform is a strategic agenda faced by many countries in responding to the dynamics of globalization.¹ The rapid transformation of the labor market requires every country to balance a dynamic economic space with guaranteed protection of workers' rights.² In the global context, employment policies are not only a domestic instrument, but also part of efforts to achieve broader development goals, especially Sustainable Development Goal 8 (SDG 8), which emphasizes the creation of decent work and inclusive economic growth.³ SDG 8 itself was formulated by the United Nations as a global development target that promotes sustainable economic growth, productive employment, and decent work for all.⁴

Indonesia has formally committed to achieving the Sustainable Development Goals since their adoption in 2015 by integrating SDG targets and indicators into the National Medium-Term Development Plan (RPJMN).⁵ This integration indicates that SDG 8 is not merely an international development agenda, but has also become part of Indonesia's national legal and policy framework

¹ S Deakin, "New Forms of Employment, Labor Law and Social Security: A Comparative Perspective," *International Labor Review* 153, no. 2 (2014): 1-20.

² V De Stefano, "The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowdfork, and Labor Protection in the Gig Economy," *Comparative Labor Law & Policy Journal* 37, no. 3 (2016): 471-504.

³ International Labor Organization, "Decent Work and the 2030 Agenda for Sustainable Development," *International Labor Review* 154, no. 2 (2015): 1-15.

⁴ United Nations, "Transforming Our World: The 2030 Agenda for Sustainable Development," *UN General Assembly Resolution A/RES/70/1* (United Nations, 2015).

⁵ Nations.

for employment governance. The current national policy direction, known as Asta Cita, further reinforces this orientation by emphasizing national competitiveness, human resource development, productive employment expansion, and inclusive economic growth.⁶ Although Asta Cita does not expressly use the terminology of SDG 8, its policy substance provides a national legal-policy basis for assessing whether the employment cluster of the Job Creation Law is consistent with the decent work agenda. Therefore, the Job Creation Law must be evaluated not only as an instrument of regulatory simplification and investment facilitation, but also as a statutory policy that should be aligned with RPJMN priorities, Asta Cita, and the substantive requirements of decent work under SDG 8.

In its efforts to achieve SDG 8, Indonesia has adopted various policies to increase investment, reform labour market regulation, and strengthen national competitiveness. These policy reforms form part of a broader trajectory of labour and economic regulation over the past two decades, while the most significant statutory expression of this agenda emerged through Law No. 11 of 2020 concerning Job Creation, later amended and affirmed by Law No. 6 of 2023. From a policy perspective, the omnibus law approach in the Job Creation Law was designed to simplify regulations considered to hinder investment and employment expansion, including by restructuring key employment provisions on fixed-term employment contracts, outsourcing, wages, termination of employment, and social protection. Therefore, the Job Creation Law should be understood not as a reform that has existed for two decades, but as a major legislative instrument within Indonesia's longer regulatory reform agenda aimed at promoting investment, flexibility, and job creation.⁷

However, the adoption of "decent work" under SDG 8 requires employment policy to be assessed not only through investment growth and labour market flexibility, but also through the protection of workers' rights, employment security, fair working conditions, and social protection.⁸ The ILO emphasizes that decent work requires the protection of fundamental rights at work, equal employment opportunities, safe working conditions, and the elimination of exploitative or unsafe work practices. The main issue in the Job Creation Law therefore lies in the tension between regulatory flexibility and worker protection. This tension provides the analytical basis for using an ex post Regulatory Impact Analysis framework, because the law must be evaluated after implementation to determine whether its flexibility-oriented reforms actually support decent work or instead weaken substantive labour protection.

From its drafting to its implementation, the Job Creation Law has continued to generate legal and political controversy, particularly because the omnibus legislative technique raises concerns about procedural legality, public participation, regulatory transparency, and the clarity of norm formulation.^{9,10} This controversy became more relevant after Constitutional Court Decision No. 91/PUU-XVIII/2020, which declared the Job Creation Law conditionally unconstitutional due to procedural defects in its formation, while allowing it to remain temporarily in force and requiring legislative correction within a specified period.¹¹ The government's subsequent response through Government Regulation in Lieu of Law No. 2 of 2022 and Law No. 6 of 2023 reflects a legal-political effort to maintain regulatory continuity and investment certainty while addressing the Court's constitutional mandate.¹² These developments provide an important reason for conducting a post-regulation evaluation, because the Job Creation Law cannot be assessed only from its formal objectives of regulatory simplification and job creation, but must also be examined through its constitutional legitimacy, implementation consequences, and actual implications for worker

⁶ General Election Commission of the Republic of Indonesia, "Vision, Mission, and Program of the Candidate Pairs for President and Vice President of the Republic of Indonesia 2024 (Asta Cita)," 2024.

⁷ A Sanders et al., "The Omnibus Law on Job Creation and Its Potential Implications for Rural Youth and Future Farming in Indonesia," *Asia Pacific Viewpoint* 65, no. 2 (2024): 248-62.

⁸ A Piasna and J Drahokoupil, "Decent Work in the Digital Age," *Transfer: European Review of Labor and Research* 25, no. 4 (2019): 1-16.

⁹ Y Sastramidjaja and P P Rasidi, "The Hashtag Battle over Indonesia's Omnibus Law: From Digital Resistance to Cyber Control," *ISEAS Perspective*, vol. 2021, 2021.

¹⁰ B Sadono and L R Rahmijati, "Pros and Cons of the Procedures and Substance of the Omnibus Law on Job Creation," *Journal of Law & Development* 51, no. 3 (2021): 601-20.

¹¹ S Butt and T Lindsey, "Indonesia's Omnibus Law on Job Creation: Legal Hierarchy and Responses to Judicial Review in the Labor Cluster of Amendments," *Asian Journal of Comparative Law* 17, no. 2 (2022): 341-64, <https://doi.org/10.1017/asjcl.2022.16>.

¹² A Bedner, "Indonesia's Omnibus Law on Job Creation: Legal Uncertainty and the Rule of Law," *Hague Journal on the Rule of Law* 13, no. 3 (2021): 1-17, <https://doi.org/10.1007/s40803-021-00158-3>.

protection. Therefore, the omnibus law controversy and Constitutional Court Decision No. 91/PUU-XVIII/2020 justify the use of an ex post Regulatory Impact Analysis framework to evaluate whether employment reform under the Job Creation Law is consistent with constitutional governance and the decent work agenda under SDG 8.

Most studies on the Job Creation Law still focus on normative analysis or projections, while impact-based evaluations of the decent work principle are still rare. Mahy, for example, highlighted that the omnibus law tends to reduce employment protections for the sake of labor market flexibility, especially in the context of the economic crisis.¹³ Sanders has analyzed the potential impact of the Job Creation Law on investment and the labor sector at a macro level, but this is still prospective (ex-ante) and has not yet measured the actual impact after implementation.¹⁴ At the substantive level, Febrianti has compared the outsourcing regulations in the Employment Law and the Job Creation Law in a juridical-normative manner,¹⁵ Meanwhile, Dewi assessed the implications of the Job Creation Law on the protection of workers' rights from a legal and human rights perspective.¹⁶

Although previous studies have examined the Job Creation Law from various perspectives, including labour protection, outsourcing regulation, investment policy, constitutional review, and human rights, most of these studies remain focused on normative assessment or prospective analysis of the law's potential implications. They have not yet sufficiently developed a post-implementation evaluative framework that integrates ex post Regulatory Impact Analysis with SDG 8 indicators to assess the substantive quality of employment reform. The novelty of this article therefore lies in its use of ex post RIA not merely to examine regulatory simplification or job creation in quantitative terms, but to evaluate whether the Job Creation Law promotes job quality, job stability and security, adequate social protection, and meaningful labour rights and social dialogue.¹⁷¹⁸ This approach provides a more specific evaluative model for assessing whether employment reform in Indonesia supports decent work under SDG 8, rather than only expanding employment opportunities through regulatory flexibility.

Based on the above description, this article aims to analyze the legal implications of the employment cluster provisions in Indonesia's Job Creation Law through an ex post Regulatory Impact Analysis framework. This article does not merely examine the law as a statutory instrument for regulatory simplification, labour market flexibility, and job creation, but also evaluatively tests whether its implementation complies with the decent work indicators under SDG 8. The assessment focuses on productive employment opportunities, job stability and security, adequate earnings and fair working conditions, social protection, and labour rights and social dialogue. By integrating the RIA evaluation framework with SDG 8 indicators, this study is expected to provide theoretical and practical contributions to the development of employment law that is not only oriented toward regulatory quality and economic growth, but also toward substantive job quality, worker protection, and sustainable development.

Literature Review

Labour Law Reform and Indonesia's Job Creation Law

Labour law reform has become an important issue in many countries because employment relations have changed significantly due to globalization, digitalization, investment competition, and post pandemic economic recovery. In this context, labour regulation is expected to support economic

¹³ P Mahy, "Indonesia's Omnibus Law on Job Creation: Reducing Labor Protections in a Time of COVID-19," *Journal of Australian Political Economy* 85 (2020): 109-15.

¹⁴ A Sanders, "The Omnibus Law on Job Creation and Its Potential Impacts," *Asia & the Pacific Policy Studies* 11, no. 1 (2024): 1-15.

¹⁵ N Febrianti, "Legal Protection for Outsourced Workers after the Enactment of the Job Creation Law," *USM Law Review Journal* 6, no. 1 (2023): 45-60.

¹⁶ S Dewi, "Indonesia's Omnibus Law and Protection of Labor Rights," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023): 221-38.

¹⁷ International Labor Organization, "Decent Work and the 2030 Agenda for Sustainable Development" (ILO, 2023).

¹⁸ Central Statistics Agency, "Decent Work Indicators in Indonesia 2023" (BPS RI, 2024).

growth while maintaining legal protection for workers.¹⁹ The central issue in labour law reform is not merely whether the law can provide flexibility to employers, but whether such flexibility can be reconciled with substantive guarantees of decent work, job security, fair wages, social protection, and workers' rights. This issue is particularly relevant for developing countries such as Indonesia, where employment policy is often designed to attract investment while still being bound by constitutional and international commitments to protect workers.

Indonesia's Job Creation Law represents a major form of labour law reform within this policy context. Through the omnibus legislative model, the law restructures several employment provisions concerning fixed term employment contracts, outsourcing, wages, termination of employment, severance pay, and job loss protection.²⁰ Its main policy orientation is to simplify regulation, improve the investment climate, increase labour market flexibility, and expand employment opportunities. However, because the law also changes the structure of employment protection, it must be understood not only as an economic reform instrument, but also as a legal reform that attempts to balance business efficiency and worker protection. The main question is whether this balance is achieved in a manner consistent with decent work under SDG 8.

Previous studies on the Job Creation Law show that scholarly attention has been concentrated on several dominant themes. Normative and constitutional studies generally discuss the legality of the omnibus law model, public participation, legislative procedure, and the implications of Constitutional Court Decision No. 91/PUU-XVIII/2020 for legal certainty and the rule of law. Other studies focus on outsourcing regulation, fixed term employment contracts, severance pay, and the weakening or transformation of workers' rights after the enactment of the Job Creation Law.²¹ These studies provide an important foundation for understanding the legal transformation introduced by the law, especially its tendency to prioritize labour market flexibility and investment facilitation.

Nevertheless, the existing literature remains largely centred on doctrinal critique, constitutional review, outsourcing arrangements, and the protection of workers' rights as separate issues. It has not yet sufficiently synthesized these issues within a post implementation evaluative framework that examines whether the Job Creation Law successfully reconciles labour market flexibility and worker protection. This gap is significant because the success of labour law reform cannot be measured only by regulatory simplification or employment expansion. It must also be assessed through the quality of employment generated, the stability of work relations, the adequacy of social protection, and the strength of labour rights and social dialogue. Therefore, this article positions the Job Creation Law as a labour reform instrument whose legal and policy implications must be evaluated through the integration of ex post Regulatory Impact Analysis and SDG 8 decent work indicators.

Decent Work and SDG 8 as Normative Benchmarks

The concept of decent work is based on the view that employment should not be measured only by the availability of jobs, but also by the quality, security, and protection attached to those jobs. The International Labour Organization places decent work within a rights-based and human-centred framework that includes employment creation, rights at work, social protection, and social dialogue. In this sense, decent work requires that job creation be accompanied by fairness, security, adequate income, safe working conditions, and meaningful participation in industrial relations. Therefore, employment law reform cannot be assessed only by its contribution to labour market expansion, but must also be evaluated by whether it protects workers from vulnerability within flexible employment relations.

¹⁹ Rita Remeikienė, Ligita Gasparėnienė, and Romas Lazutka, "Working Conditions of Platform Workers in New EU Member States: Motives, Working Environment and Legal Regulations," *Economics & Sociology* 15, no. 4 (December 2022): 186-203, <https://doi.org/10.14254/2071-789X.2022/15-4/9>.

²⁰ Muhammad Rizky Ramadhan, Muhammad Kamal, and Mochammad Andry Wardhana Wikra Mamonto, "Omnibus Law in Indonesia: Legal Protection of Workers in Employment Contracts," *Golden Ratio of Law and Social Policy Review* 1, no. 1 (2021): 7-16.

²¹ Rian Saputra, M Zaid, and Devi Triasari, "Executability of the Constitutional Court's Formal Testing Decision: Indonesia's Omnibus Law Review," *Journal of Law, Environmental and Justice* 1, no. 3 (November 29, 2023): 244-58, <https://doi.org/10.62264/jlej.v1i3.18>.

In this article, decent work under SDG 8 is operationalized through five indicators that are consistently used in the methodology and findings. The first indicator is productive employment opportunities, which examines whether employment reform contributes to job absorption and productive work rather than merely increasing informal or non-standard employment. The second indicator is job stability and security, which assesses whether the expansion of fixed-term contracts, outsourcing, and simplified termination rules creates secure employment relations or increases precarious work. The third indicator is adequate earnings and fair working conditions, which evaluates whether wage policy and employment standards are sufficient to protect real living standards and decent working conditions.²²

The fourth indicator is social protection, which assesses whether workers affected by flexible employment arrangements have adequate access to employment social security, including the Job Loss Guarantee scheme. The fifth indicator is labour rights and social dialogue, which examines whether employment reform strengthens or weakens workers' bargaining position, trade union roles, collective bargaining, and participation in industrial relations.²³ These five indicators provide a structured basis for evaluating whether the Job Creation Law aligns with the decent work agenda. Accordingly, the relevance of SDG 8 in this study lies not only in measuring employment growth, but also in testing whether such growth is accompanied by job quality, legal protection, social security, and meaningful labour rights.

Labour Market Flexibility, Job Creation, and Worker Protection

Labour market flexibility is often presented as a policy instrument to reduce recruitment barriers, attract investment, and enable employers to respond to economic fluctuations. In labour law discourse, flexibility may appear through broader use of fixed term employment contracts, outsourcing arrangements, simplified termination procedures, and adjusted severance obligations. This policy orientation is reflected in Indonesia's Job Creation Law, which amends important employment norms concerning PKWT, outsourcing, severance pay, layoffs, and job loss protection. Therefore, labour market flexibility in the Job Creation Law should not be understood as an abstract policy idea, but as a concrete normative change in the structure of Indonesian employment law.

The amendment to fixed term employment contracts expands the space for employers to use non permanent employment arrangements. The changes to outsourcing regulation also remove previous limitations on the types of work that may be outsourced, thereby allowing employers to organize labour more flexibly according to production and business needs. At the same time, the adjustment of severance pay and layoff provisions reduces the legal and financial burden associated with termination of employment. These changes indicate that the Job Creation Law seeks to create a more adaptive labour market by making recruitment, workforce allocation, and employment termination more flexible for employers.

However, labour law scholarship shows that flexibility may create legal and social risks when it is not balanced with adequate worker protection. The wider use of PKWT and outsourcing may weaken job stability because workers can be placed in employment relations that are temporary, fragmented, and less secure. The reduction of severance pay and the simplification of layoff procedures may also reduce economic protection for workers when employment is terminated.²⁴ In this context, the Job Creation Law creates a tension between the objective of job creation and the need to preserve substantive labour protection.

The introduction of the Job Loss Guarantee or JKP is intended to function as a compensatory mechanism for workers affected by termination of employment. Normatively, JKP reflects the state's effort to balance increased labour flexibility with social protection. Nevertheless, its effectiveness

²² Deepika Chahal and Anju Rani, "Productive and Decent Work Employment Opportunities: Reflections of Sustainable Development Goal 8," *Space and Culture, India* 11, no. 4 (March 29, 2024): 90-101, <https://doi.org/10.20896/saci.v11i4.1329>.

²³ Anggreini Buntara Syera, Utami Dewi Anggia, and Suryadipura Dadan, "Enhancing Sustainable Development Goals through The Provision of Decent Work to Minimize Inequality: A Comparative Study of Bangladesh and Indonesia," ed. Hadiyanto, Maryono, and Budi Warsito, *E3S Web of Conferences* 73 (December 21, 2018): 11011, <https://doi.org/10.1051/e3sconf/20187311011>.

²⁴ V De Stefano, "The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowdfwork, and Labor Protection in the Gig Economy," *Comparative Labor Law & Policy Journal* 37, no. 3 (2016): 471-504.

depends on coverage, eligibility requirements, contribution compliance, and accessibility for workers in flexible employment relations. If JKP remains limited mainly to formal workers with adequate social security participation, it may not fully compensate for the weakening of severance protection, especially for contract workers, outsourced workers, casual workers, and workers in the informal sector.

Accordingly, the relevance of labour market flexibility in this article lies in assessing whether the Job Creation Law successfully reconciles business adaptability with worker protection. Flexibility may support employment expansion and investment facilitation, but it may also produce precarious work when PKWT, outsourcing, reduced severance pay, and easier layoffs are not accompanied by effective social protection. This is why the Job Creation Law must be evaluated through SDG 8 decent work indicators, particularly job stability and security, adequate earnings and fair working conditions, social protection, and labour rights. Through this perspective, labour market reform is not assessed only by the number of jobs created, but by whether those jobs remain secure, protected, and consistent with the decent work agenda.

Ex Post Regulatory Impact Analysis as an Evaluative Framework

Regulatory Impact Analysis is commonly used to assess whether a regulation is necessary, effective, efficient, and consistent with its policy objectives. Ex ante RIA evaluates projected impacts before a regulation is enacted, while ex post RIA evaluates legal and policy implications after implementation. In the context of labour law, ex post RIA is relevant because employment reform may produce consequences that differ from its formal objectives, especially when regulatory simplification and labour market flexibility affect job quality, job security, social protection, and workers' rights.

The use of ex post RIA in this article is not intended as a purely quantitative impact measurement, but as an evaluative framework for comparing the normative objectives of the Job Creation Law with selected decent work indicators under SDG 8. This framework allows the analysis to examine whether the law's objectives of regulatory simplification, labour market flexibility, and job creation are aligned with productive employment opportunities, job stability and security, adequate earnings and fair working conditions, social protection, and labour rights and social dialogue. In this sense, ex post RIA connects the legal design of employment reform with the substantive requirements of decent work.

Previous studies on the Job Creation Law have discussed constitutional legality, public participation, outsourcing, labour protection, investment policy, and workers' rights. However, those studies have not sufficiently positioned ex post RIA as a structured evaluative framework for assessing the relationship between labour law reform and SDG 8. Therefore, this article briefly emphasizes that its contribution lies in using ex post RIA to evaluate whether the Job Creation Law promotes not only employment expansion, but also decent, secure, socially protected, and rights-based work.

Research Design and Methodology

This study uses juridical normative legal research enriched by an ex post Regulatory Impact Analysis framework. The juridical normative approach is used to examine the legal norms, principles, and regulatory structure of Indonesia's Job Creation Law, particularly its employment provisions. The main legal materials analysed include Law No. 11 of 2020 concerning Job Creation, Law No. 6 of 2023, Law No. 13 of 2003 concerning Manpower, Government Regulation No. 35 of 2021, and Constitutional Court Decision No. 91/PUU XVIII/2020. Secondary materials consist of journal articles, policy reports, ILO decent work documents, OECD regulatory policy references, BPS labour statistics, BPJS Ketenagakerjaan data, and relevant government reports selected based on their relevance to the employment cluster, SDG 8 indicators,²⁵ institutional reliability, and availability of pre and post implementation information from 2019 to 2025.

²⁵ H Kreinin and E Aigner, "From 'Decent Work and Economic Growth' to 'Sustainable Work and Economic Degrowth': A New Framework for SDG 8," *Empirica* 49, no. 2 (2022): 281-311.

The analysis is conducted in three stages. First, this study identifies the normative objectives of the employment cluster of the Job Creation Law, namely regulatory simplification, labour market flexibility, and job creation. Second, it examines changes in employment regulation by comparing the post reform framework with the previous protection regime under Law No. 13 of 2003. Third, it maps the legal and policy implications of the reform against five SDG 8 decent work indicators, namely productive employment opportunities, job stability and security, adequate earnings and fair working conditions, social protection, and labour rights and social dialogue. In this study, ex post RIA is used as an evaluative legal policy framework, not as a purely quantitative or econometric method. Therefore, the findings are limited to post implementation legal and policy implications that can be identified from statutory changes, institutional data, secondary labour statistics, government reports, and relevant academic literature.

Findings and Discussion

A. Legal Implications of Employment Cluster Regulations: An Ex Post Regulatory Impact Analysis Perspective

The ex post Regulatory Impact Analysis (RIA) approach places the actual implications of regulations as the primary benchmark for assessing the quality of policies after they are enacted. The relevance of the ex post RIA framework lies in its function as a comparative instrument between policy objectives and actual impacts.²⁶ The OECD defines ex post RIA as an evaluation of the effectiveness of a regulation after it has been implemented, by assessing whether the regulation achieved its initial objectives and identifying any unanticipated impacts.²⁷ In the context of the employment cluster of the Job Creation Law, the ex post RIA evaluation does not stop at analyzing the normative objectives of the law makers, but rather tests whether these objectives are truly reflected in the implementation results and their legal implications.

In general, the objectives of the employment cluster of the Job Creation Law can be explicitly traced from the law's preamble and its regulatory structure. The preamble "Considering" letters c and d of Law Number 11 of 2020 concerning Job Creation (as amended by Law Number 6 of 2023) emphasizes that the formation of this law aims to create the widest possible employment opportunities through increased investment and ease of doing business, as well as to ensure that every citizen obtains employment and a decent living. This formulation indicates that the employment cluster is designed as a policy instrument to achieve three main normative objectives: 1) regulatory simplification; 2) increasing labor market flexibility; and 3) job creation.

1. Implications of Regulatory Simplification

The omnibus legislation technique is used to consolidate and amend a number of previously scattered employment norms, with the assumption that regulatory fragmentation is one of the factors inhibiting investment and job creation.²⁸ From an ex post RIA perspective, the goal of formal regulatory simplification has been achieved at the legal structure level. For example, several provisions previously scattered throughout Law No. 13 of 2003 concerning Manpower have been reintegrated through amendments to Article 56 concerning PKWT (Fixed-Term Contracts), Articles 64-66 concerning outsourcing, and Article 156 concerning severance pay. The removal of restrictions on the types of work that can be outsourced and the expansion of PKWT scope demonstrate efforts to simplify the employment relationship regime to make it more flexible and easier for employers to operate.²⁹

²⁶ C M Radaelli, "Measuring Policy Learning: Regulatory Impact Assessment in Europe," in *Learning and Governance in the EU Policy Making Process* (Routledge, 2013), 43-62.

²⁷ OECD, *Recommendations of the Council on Regulatory Policy and Governance* (OECD Publishing, 2012), <https://doi.org/10.1787/9789264209022-en>.

²⁸ A Arief and R Ramadani, "The Omnibus Law on Job Creation and Its Implications for the Basic Concept of Limited Liability Companies," *Al-Adalah: Journal of Islamic Law and Politics* 6, no. 2 (2021): 106-20.

²⁹ A Ramadhona, "Reconstruction of Regulations for Legal Protection of Outsourcing Workers' Rights Based on Justice Values" (Sultan Agung Islamic University, 2023).

The regulatory simplification actually projects two main implications. First, normative efficiency and ease of compliance for businesses by reducing the variety of norms and administrative requirements, resulting in more concise employment relationship guidelines. This policy is part of a strategy to improve Indonesia's investment climate and competitiveness in Southeast Asia³⁰, and in line with the findings of literature and studies in Brazil, that simplification of regulations and bureaucracy can reduce transaction costs and increase business certainty in the formal sector.³¹ Second, the adjustment of the severance pay formula in Article 156 of the Job Creation Law, further regulated in Government Regulation No. 35 of 2021, provides a more measurable standard of obligations during layoffs, thereby reducing the uncertainty of long-term employment costs for businesses.³²

Several institutional and subnational data points reflect improvements in the ease of doing business following the enactment of the Job Creation Law. For example, administrative data from the risk-based licensing system through the OSS (Online Business Registration System) show a significant increase in the number of Business Identification Numbers (NIB) issued, as well as a reduction in licensing processing time, indicating a simplification of formal procedures at the operational level of the bureaucracy.³³ The Ministry of Investment/BKPM reported that by the end of 2022, more than 18.7 million NIBs had been issued, up from approximately 7.4 million NIBs in the period before the OSS-RBA was fully implemented in 2021. Furthermore, the processing time for basic permits has been significantly reduced: NIB issuance for low-risk businesses can be completed in less than 30 minutes through the online system, compared to the previous manual process that could take several days to weeks depending on the region. This simplification has resulted in increased formality for micro and small businesses, as reflected in the dominance of NIB registrations by the MSME sector, which accounted for more than 90% of the total NIBs issued in the 2021-2023 period. Ex post, these findings indicate that the implications of regulatory simplification are reflected in accelerated service delivery and increased business registration volume at the operational bureaucratic level. A number of empirical studies at the regional level also show that the implementation of OSS-RBA has changed the pattern of interaction between business actors and regional governments, especially in terms of procedural transparency and integration of licensing services, although still facing obstacles in institutional capacity and inter-agency coordination.³⁴

However, from an ex post RIA perspective, claims of structural regulatory simplification cannot yet be fully verified as a policy success. This implication is premature in concluding that regulatory simplification is a success, as impact indicators such as reduced compliance burdens, increased legal certainty, or improved quality of employment relationships have not been empirically and nationally confirmed. Unfortunately, the World Bank's Ease of Doing Business report or index, which the government initially used as a reference,³⁵ has not been published regularly by the World Bank Government (WBG) for the past few years, so there is no further data available that can show the trend of ease of doing business before and after the Job Creation Law for Indonesia comparatively.

Interestingly, the ex post RIA analysis shows that regulatory simplification under the Job Creation Law also produces contradictory implications. Instead of creating a simpler legal regime in practice, the implementation of the law remains highly dependent on delegated and technical regulations, causing legal certainty to shift from statutory norms to administrative rule-making. In the initial phase, the government officially issued 49 implementing regulations, consisting of 45 Government Regulations and 4 Presidential Regulations, while some institutional and professional reports refer to approximately 51 regulations because they include additional

³⁰ R Sanders, "Labor Market Reform and Investment Climate in Indonesia after the Omnibus Law," *Journal of Southeast Asian Economics* 41, no. 1 (2024): 75-92.

³¹ J C Monteiro and J J Assunção, "Coming out of the Shadows? Estimating the Impact of Bureaucracy Simplification and Tax Cuts on Formality in Brazilian Microenterprises," *Journal of Development Economics* 99, no. 1 (2012): 105-15.

³² Sanders, "Labor Market Reform and Investment Climate in Indonesia after the Omnibus Law."

³³ Ministry of Investment/BKPM, "Risk-Based OSS Performance Report" (Jakarta: BKPM, 2022).

³⁴ R Sari, A Pratama, and B Nugroho, "Implementation of Risk-Based Business Licensing at the Regional Level: A Study of One-Stop Integrated Services," *Journal of Public Administration* 18, no. 2 (2023): 145-62.

³⁵ Kornelis, Y. (2022). Legal Implications of Sole Proprietorships on Indonesia's Ease of Doing Business Index. *Jurnal Yustisiabel*, 6(2), 132-152.

sectoral and technical instruments connected to the operationalization of the law. This difference in number does not indicate inconsistency, but reflects different methods of counting the scope of implementing regulations.³⁶ Substantively, this condition demonstrates a tendency toward hyper-regulation, understood as the excessive proliferation of derivative rules that increases normative density, institutional fragmentation, and interpretive complexity despite the formal objective of regulatory simplification. Therefore, from an ex post RIA perspective, simplification at the statutory level has not necessarily resulted in substantive regulatory simplicity, because part of the regulatory burden has merely shifted to the level of implementing regulations.³⁷

In the employment cluster, many new norms can only be operationalized through government regulations (PP) and ministerial regulations, particularly those related to fixed-term employment agreements, outsourcing, and termination of employment. PP No. 35 of 2021 serves as the primary instrument for regulating severance pay and layoff compensation, while other technical aspects are further regulated through Ministerial Regulations No. 6 of 2021 and No. 7 of 2021. Consequently, the substance of industrial relations, previously relatively directly referenced in the law, must now be interpreted through a more flexible and adaptable layer of technical regulations.

Empirical findings and case studies in the field reinforce the indication that the abundance of implementing regulations does not necessarily simplify practice. A study of delegated legislation for the Job Creation Law shows that broad delegation to technical regulations increases the potential for norm fragmentation and differing interpretations between agencies.³⁸ This indicates that normative complexity has not disappeared, but has shifted from laws to implementing regulations, which are numerous and technical in nature.³⁹

2. Implications Increasing Labor Market Flexibility

The second normative objective of the employment cluster of the Job Creation Law is to increase labor market flexibility, which is intended to allow employers to adjust the number, type, and duration of workers according to economic dynamics. Normatively, this flexibility is reflected in changes to regulations regarding fixed-term employment agreements (PKWT), outsourcing, working hours, and termination of employment (PHK), as seen in the amendments to Article 56, Articles 64-66, and Article 156 of the Employment Law through the Job Creation Law and its implementing regulations.

From an ex post RIA perspective, the goal of flexibility is formally achieved through expanding the scope of non-permanent employment contracts and adjusting severance costs. Article 56 of the Manpower Law, as amended by the Job Creation Law, expands the use of fixed-term contracts without restrictions on specific types of work, while Article 156, concerning severance pay, is simplified to reduce costs for employers. Furthermore, outsourcing regulations no longer restrict specific types of work, allowing employment relationships to be more adaptively tailored to production needs.

The expected positive impact of increased labor market flexibility is the ease of workforce adaptation to economic fluctuations. Normatively increasing labor market flexibility is expected to strengthen the ability of the workforce and businesses to adapt to economic fluctuations. This flexibility provides companies with the freedom to adjust the number and type of workers according to production cycles without having to bear the burden of rigid long-term employment relationships. Sanders emphasized that labor flexibility is part of the national strategy to increase competitiveness and attract investment, particularly in the labor-intensive

³⁶ KPMG Indonesia, "Implementing Regulations to the Omnibus Law" (KPMG, 2022).

³⁷ Y P Ginting, "Perspectives on Legal Pluralism after the Enactment of the Job Creation Law," *National Law Magazine* 51, no. 1 (2021): 59-71.

³⁸ J M A Saragi, "Implementing Regulations for the Omnibus Law: A Delegated-Legislation Perspective," *Lex Publica Journal* 6, no. 1 (2024): 45-63.

³⁹ White & Case, "Omnibus Law and Its Implementing Regulations," *White & Case Insight*, 2021.

manufacturing and service sectors.⁴⁰ In the labor economics literature, flexibility in labor regulations is associated with increased labor market responsiveness to economic shocks such as financial crises and technological disruption.⁴¹ OECD studies show that countries with more moderate levels of employment protection legislation (EPL) experienced faster employment adjustments post-crisis.⁴²

The second positive implication is the potential for quantitative job increases. Theoretically, flexible employment relationships reduce the risk of labor costs for employers, thereby encouraging new job creation, particularly for young workers and sectors sensitive to wage structures and severance costs. In the Indonesian context, empirical data from the Central Statistics Agency (BPS) shows that the working population increased from 131.03 million in August 2020 to 135.30 million in August 2022, representing an increase of approximately 4.27 million workers.⁴³ Over the same period, investment realization increased from IDR 826.3 trillion in 2020 to IDR 1,207.2 trillion in 2022, with the manufacturing and services sectors being the main contributors to employment absorption.⁴⁴ This finding supports the argument that reducing legal barriers to hiring (flexibility) can encourage quantitative expansion of employment opportunities.

However, ex post RIA studies show that labor market flexibility also has significant negative consequences for job quality. First, the expansion of fixed-term contracts (PKWT) and outsourcing increases precarious employment with minimal long-term protection. Mahy believes the Job Creation Law systematically shifts the balance of labor law from protection to flexibility, thereby increasing the risk of job insecurity for workers.⁴⁵ De Stefano's study of non-standard employment shows that contractual flexibility is often correlated with a weakening of social security and workers' bargaining power.⁴⁶

In the Indonesian context, data from the Central Statistics Agency shows that the proportion of workers with contract and casual worker status increased from 28.16% in August 2019 to 31.58% in August 2022.⁴⁷ During the same period, the percentage of formal workers with social security coverage was only around 37%, while most contract and outsourced workers were in sectors with low social security coverage. This pattern is consistent with cross-country findings showing that employment deregulation tends to increase labor market dualization, namely the separation between relatively protected permanent workers and contract workers who are vulnerable to layoffs and income fluctuations.⁴⁸ Thus, although labor market flexibility contributes to a quantitative increase in employment opportunities, its impact on job quality and stability indicates a structural trade-off between the goal of job creation and the principle of labor protection.

3. Implications Job Creation

The third normative objective of the Job Creation Law is job creation. This objective is explicitly stated in the law's preamble, which emphasizes that the Job Creation Law is intended to create as many jobs as possible by increasing investment and business competitiveness. From a policy perspective, job creation is projected as a consequence of regulatory simplification and labor market flexibility, which are expected to encourage business expansion.

⁴⁰ R Sanders, "Labor Law Reform in Indonesia: The Omnibus Law and Its Impact on Workers," *International Journal of Comparative Labor Law and Industrial Relations* 37, no. 3 (2021): 1-25.

⁴¹ I K Sania, "Developments and Challenges of Employment Law: A Review of the Dynamics of Regulation and Workers' Rights," *Indonesian Journal of Law and Justice* 2, no. 3 (2025): 10.

⁴² OECD, *Employment Outlook 2019: The Future of Work* (OECD Publishing, 2019).

⁴³ Central Bureau of Statistics, "State of Indonesian Employment, August 2022" (BPS, 2022).

⁴⁴ P Mahy, "Labor Law Reform in Indonesia: The Omnibus Law and Its Implications," *International Journal of Comparative Labor Law and Industrial Relations* 37, no. 2 (2021): 1-23.

⁴⁵ International Labor Organization, "Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects" (ILO, 2016).

⁴⁶ De Stefano, "The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowdsourcing, and Labor Protection in the Gig Economy."

⁴⁷ Statistics, "State of Indonesian Employment, August 2022."

⁴⁸ S Bentolila, J J Dolado, and J F Jimeno, "Reforming an Insider-Outsider Labor Market: The Spanish Experience," *IZA Journal of European Labor Studies* 1, no. 4 (2012): 1-29, <https://doi.org/10.1186/2193-9012-1-4>.

From an ex-post RIA perspective, job creation is measured not only by the number of new jobs, but also by the quality of the jobs generated, including job stability, a living wage, and access to social protection. Empirically, Macroeconomic data indicates a recovery in employment after the pandemic. Statistics Indonesia (BPS) recorded a decline in the open unemployment rate from 7.07% in 2020 to around 5.3% in 2023. Quantitatively, this can be interpreted as an indication of increased employment as the economy recovers and the new regulatory regime takes effect.

However, ex post RIA findings indicate that job creation after the enactment of the Job Creation Law tends to be quantitative and has not been fully accompanied by adequate guarantees of job quality. This condition is closely related to specific regulatory changes introduced by the law, particularly the expansion of fixed-term employment contracts, the removal of restrictions on outsourcing arrangements, and the adjustment of severance obligations under Article 156 as further regulated in Government Regulation No. 35 of 2021. These changes reduce the legal and financial burden for employers in hiring and terminating workers, thereby encouraging employment expansion through more flexible and less permanent work arrangements. As a consequence, the increase in the number of employed persons does not automatically reflect the growth of stable and sustainable employment. Data from the Central Statistics Agency (BPS) shows that in August 2024, the proportion of informal workers still reached around 59.1% of the total working population, along with the increasing proportion of contract workers and freelancers, indicating that many new jobs are absorbed into the flexible work segment with limited protection against termination of employment, unstable income, and limited access to social security.⁴⁹ Therefore, from an ex post RIA perspective, the employment growth associated with the Job Creation Law must be read together with the transformation of employment relations toward greater flexibility and vulnerability.

Although the Job Creation Law was designed with the macro objective of expanding employment opportunities, the normative design in the area of termination of employment actually shows a contradictory policy direction. On the one hand, the state affirms its commitment to creating new jobs; on the other hand, changes to the provisions on severance pay and layoffs weaken workers' positions compared to the previous protection regime in Law Number 13 of 2003 concerning Manpower. In Law 13/2003, Article 156 stipulates a formula for severance pay, long-service awards, and compensation for rights at relatively high amounts, positioning layoffs as a legally expensive last resort for employers. Conversely, Article 156, amended through the Job Creation Law and further detailed in Government Regulation No. 35 of 2021, reduces employers' financial obligations by reducing the severance pay component and limiting the conditions for awarding long-service awards.

This change creates a job creation mechanism through reducing the cost of termination of employment (job creation through job insecurity).⁵⁰ The argument is not based merely on the formal amendment of Article 156, but is also supported by comparative indicators of job quality before and after the reform. Before the Job Creation Law, the stricter severance regime under Law No. 13 of 2003 positioned termination of employment as a relatively costly legal consequence for employers, while after the reform, Government Regulation No. 35 of 2021 reduced and recalibrated severance obligations, making workforce adjustment less burdensome for firms. At the same time, labour market indicators show that the proportion of contract and casual workers increased from around 28.16 percent in 2019 to more than 31 percent in 2022, while informal employment remained dominant at approximately 59.1 percent in 2024. These figures suggest that employment expansion after the reform has been accompanied by a shift toward more flexible and less secure forms of work. Therefore, although the reduction of termination costs may encourage employers to recruit workers with lower legal and financial risk, it also weakens job stability and increases workers' exposure to dismissal, income uncertainty, and limited social protection. From an ex post RIA perspective, this confirms a

⁴⁹ Sholikin, A. (2024). "Social Security" for Informal Workers in the Extractive Industry Sector in Bojonegoro. *Madani Journal of Politics and Social Society*, 16(02), 225-248.

⁵⁰ T Berglund, B Furåker, and P Vulkan, "Is Job Insecurity Compensated for by Employment and Income Security?," *Economic and Industrial Democracy* 35, no. 1 (2014): 165-84.

structural trade-off between quantitative job creation and the substantive quality of employment required under the decent work agenda.

Ex-post evidence in 2025 suggests a substantial wave of layoffs, ironically a policy that lowers layoff costs for employers. According to Ministry of Manpower data reported by several media outlets, tens of thousands of workers were laid off throughout 2025.⁵¹ One official summary put the figure at around 88,519 people laid off during the year.⁵² The technology sector, which is often considered to have the potential for high employment in the future, is also expected to see a large wave of layoffs through 2025.⁵³ The combination of weakening severance pay obligations (reducing the “cost” of layoffs for employers) and economic pressures or corporate restructuring appears to have contributed to wide-scale layoff decisions across a range of sectors.

Although some of the risk of layoffs is transferred to the Job Loss Guarantee (JKP) program, this protection is not yet universal.⁵⁴ Policy studies show that JKP has not fully reached contract workers and informal sector workers, so the social safety net provided is partial and selective.⁵⁵ As a result, the weakening of severance pay protection is not fully compensated by an effective social insurance scheme. In this configuration, the Job Creation Law's normative goal of job creation has the potential to be reversed: instead of primarily creating new, stable jobs, it increases the likelihood of layoffs by weakening economic protection instruments for workers. Thus, a structural tension exists between the agenda of expanding employment opportunities and legal provisions that lower the cost of job loss, leading the policy to risk producing more job insecurity than sustainable employment.

B. The Relevance of the Employment Cluster of the Job Creation Law to the "Decent Work" Agenda in SDG 8

The decent work agenda in SDG 8 positions decent work as the foundation of inclusive and sustainable economic growth. Within the ex-post RIA framework, the relevance of the labor cluster of the Job Creation Law to SDG 8 needs to be assessed by comparing the Job Creation Law's normative objectives with its actual impact on decent work indicators. In general, the decent work agenda (ILO-SDG 8) can be operationalized into five key indicators: 1) Productive employment opportunities; 2) Job stability and security; 3) Adequate earnings and working conditions; 4) Social protection; and 5) Labor rights and social dialogue.^{56,57} Thus, the success of a policy is not measured solely by the quantity of work, but by the quality of the resulting working relationships.

1. Productive employment opportunities

From the perspective of productive employment opportunities, macroeconomic data shows improvements in quantitative indicators of labor absorption post-pandemic and following the implementation of the new regulatory regime. The Central Statistics Agency (BPS) noted that the open unemployment rate (TPT) decreased from 7.07% in 2020 to around 5.32% in 2023, a

⁵¹ The Indonesian Employers Association, “Apindo Stated That 40,000 Workers Had Been Laid off in the First Two Months of 2025,” *Apindo*, 2025, <https://apindo.or.id/news/apindo-sebut-dua-bulan-pertama-2025-sudah-40000-pekerja-kena-phk-terbanyak-di-jakarta-dan-jabar>.

⁵² Katadata Insight Center. (January 14, 2026). 88.5 thousand workers in Indonesia affected by layoffs throughout 2025. Katadata. <https://databoks.katadata.co.id/en/employment/statistics/6966e1afcae49/885-thousand-workers-in-indonesia-affected-by-layoffs-throughout-2025>

⁵³ Katadata Insight Center, “88.5 Thousand Workers in Indonesia Affected by Layoffs throughout 2025,” *Katadata*, 2026, <https://databoks.katadata.co.id/en/employment/statistics/6966e1afcae49/885-thousand-workers-in-indonesia-affected-by-layoffs-throughout-2025>.

⁵⁴ A Faisal, “Improving the Implementation of Job Loss Insurance from the Employment Social Security Administration Program,” *Ranah Research: Journal of Multidisciplinary Research and Development* 7, no. 5 (2025): 3910-15.

⁵⁵ B Balina and R K Rahayu, “Rereading the BPJS Employment Loss Guarantee for Karimun Jawa in Surabaya City,” *Journal of Governance and Policy* 5, no. 4 (2025): 497-506.

⁵⁶ International Labor Organization, “Decent Work Indicators: Guidelines for Producers and Users of Statistical and Legal Framework Indicators” (ILO, 2013).

⁵⁷ OECD, *Measuring the Quality of Jobs: OECD Handbook* (OECD Publishing, 2019).

reduction of more than 1.7 percentage points in three years.⁵⁸ In absolute terms, the working population increased from approximately 131.03 million (2020) to over 135 million (2022-2023). This trend can be interpreted as an indication of increasing labor absorption as the economy recovers and the new labor regulatory framework takes effect. This finding is consistent with policy literature suggesting that labor market deregulation and flexibility can lower recruitment costs and encourage job expansion, particularly in labor-cost-sensitive sectors.⁵⁹

However, when measured using productive employment indicators as understood in the SDG 8 and ILO frameworks, the quality of the created employment structure still faces limitations. The latest employment data shows that approximately 59.1% of Indonesian workers remain in the informal sector, characterized by low productivity, unstable incomes, and minimal social protection. At the same time, the proportion of workers with precarious employment relationships (contract and casual workers) has increased from approximately 28.16% (2019) to over 31% (2022-2023). This structure indicates that most new jobs are absorbed in flexible and low-productivity work segments, rather than in sustainable and high-value-added formal employment.

The labor literature emphasizes that a decrease in unemployment is not always synonymous with an increase in productive employment. The ILO shows that informal and non-standard employment has lower average productivity and contributes only limitedly to increasing workers' incomes and inclusive growth. Therefore, although labor market flexibilization policies contribute to job creation quantitatively, their impact on work quality and productivity remains partial. Therefore, from an ex post RIA perspective, the employment cluster of the Job Creation Law has been more successful in reducing open unemployment than in transforming the employment structure toward productive and sustainable formal employment.

The relationship between regulatory reform and the transformation of the employment structure can be seen in the way the Job Creation Law links job creation with labour market flexibility. By expanding the use of fixed-term employment contracts, removing stricter limitations on outsourcing, and recalibrating severance obligations, the law reduces the legal cost of hiring and workforce adjustment for employers. This design may support employment absorption, especially in labour-intensive and cost-sensitive sectors, but it also tends to channel new employment into flexible, temporary, and lower-protection work arrangements. Therefore, the persistence of high informality and the increase in contract and casual work should not be treated as separate labour market phenomena, but as indicators that regulatory simplification and flexibility have not yet transformed employment growth into stable, formal, and value-added productive work.

2. Job Stability & Security

In terms of job security and stability, the employment cluster of the Job Creation Law expands the use of fixed-term employment agreements (PKWT) and removes restrictions on the types of work that can be outsourced. These changes were intended to increase the flexibility of employment relationships so that companies can adapt their workforce to market dynamics. However, ex-post RIA (Research and Analysis of the Indonesian Manpower Agency) indicates that these policies have actually led to an increase in precarious employment.

The Job Creation Law systematically shifts the balance of employment law from protection to flexibility, shifting the risk of job insecurity to workers. International literature shows that contractual flexibility not balanced with adequate social protection tends to reduce job security and increase labor vulnerability. Comparative studies in European countries have found that the expansion of temporary contracts and non-standard employment relationships is associated with a higher probability of layoffs and lower access to social security and income protection.⁶⁰ Macro

⁵⁸ N Alfiyanti and M Syawaludin, "Comparative Analysis of Tpk and Tpt on Poverty in Gerbangkertosusila 2019-2023," *Ganec Swara* 19, no. 1 (2025): 134-39.

⁵⁹ A Galik et al., "Evaluating Labor Market Flexibility Using the TOPSIS Method: Sustainable Industrial Relations," *Sustainability* 14, no. 1 (2022): 526, <https://doi.org/10.3390/su14010526>.

⁶⁰ T Berglund, "Temporary Contracts, Employment Trajectories and Labor Market Status," *Work, Employment and Society* 37, no. 2 (2023): 354-71, <https://doi.org/10.1177/09500170221125638>.

employment studies also show that deregulation of employment protection without strengthening income protection schemes encourages dualization of the labor market between relatively secure permanent workers and more vulnerable contract workers.⁶¹ In addition, ILO analysis confirms that workers on temporary contracts have a greater risk of job loss and lower levels of social protection than permanent workers, so that contractual flexibility without a social safety net increases employment insecurity.⁶² Thus, while flexibility increases labor market adaptability, it weakens the job security indicator that is central to decent work in SDG 8.

3. Adequate Earnings & Working Conditions

In terms of adequate earnings and fair working conditions, the Job Creation Law and its implementing regulations maintain minimum wage policy as the main legal instrument for protecting workers' income. However, minimum wage should be distinguished from living wage. Minimum wage refers to the statutory wage floor determined by the state, while living wage refers to the level of income that enables workers and their families to meet basic needs, maintain decent living standards, and participate reasonably in social life. Therefore, the adequacy of earnings cannot be assessed only from the nominal increase of minimum wages, but must also consider real purchasing power, inflation, basic living costs, and the extent to which wage policy protects workers from economic vulnerability.

National statistics show that throughout the post-pandemic recovery period, inflation, particularly food and housing inflation, has suppressed workers' purchasing power, resulting in stagnant real wage growth. Data from the Central Statistics Agency (BPS) shows that annual inflation reached 5.5% in 2022, while average minimum wage increases in many provinces were in the 6-8% range, indicating relatively small real increases after adjusting for the cost of living.⁶³ At the same time, employment surveys show that the median wage of formal workers has increased only marginally and has not fully offset the increase in prices of basic necessities.⁶⁴

Economic analysis shows that workers' real wages tend to stagnate amid inflationary pressures and rising costs of living.⁶⁵ In fact, SDG 8 emphasizes decent earnings, which is closer to the concept of a living wage than just a minimum wage.⁶⁶ The ILO study emphasized that the minimum wage only functions as a floor wage and does not always guarantee a decent standard of living, especially in countries with high levels of informality and volatile inflation of basic necessities.⁶⁷

OECD comparative studies also show that when wage policies place greater emphasis on macroeconomic stability and labor market flexibility, real wage growth tends to lag behind productivity growth, resulting in a decline in the share of labor income in GDP.⁶⁸ In the Indonesian context, the wage-to-cost-of-living ratio in major cities shows a significant gap; the estimated living wage in metropolitan areas is above the provincial minimum wage, indicating that the post-Cash Means Act minimum wage policy formally meets living wage indicators, but is not yet substantive in ensuring a decent standard of living. In the Indonesian context, the wage-to-cost-of-living ratio in major cities shows a significant gap; the estimated living wage in metropolitan areas is above the provincial minimum wage, indicating that the post-Cash Means Act minimum wage policy formally meets living wage indicators, but is not yet substantive in ensuring a decent standard of living.

⁶¹ Organization for Economic Co-operation and Development, *OECD Employment Outlook 2022: Building Back More Inclusive Labor Markets* (OECD Publishing, 2022).

⁶² International Labor Organization, "Global Employment and Social Outlook: Trends 2023" (ILO, 2023).

⁶³ Central Bureau of Statistics, "Indonesian Inflation 2022-2023" (BPS, 2023).

⁶⁴ Central Statistics Agency, "State of the Labor Force in Indonesia August 2024" (BPS, 2024).

⁶⁵ A S Nasution et al., "The Effect of Inflation on the Unemployment Rate in Central Java," *Jurnal Media Akademik (JMA)* 3, no. 6 (2025).

⁶⁶ R Saner and L Yiu, "Living Wage and Sustainable Development Goal# 8," *6th Conference of the Regulating for Decent Work Network* (Geneva, Switzerland: International Labor Office, 2019).

⁶⁷ International Labor Organization, "Global Wage Report 2022-23: The Impact of Inflation and COVID-19 on Wages and Purchasing Power" (ILO, 2023).

⁶⁸ Development, *OECD Employment Outlook 2022: Building Back More Inclusive Labor Markets*.

In this context, the post-Current Employment Law wage policy formally meets living wage indicators, but is not yet substantive in ensuring a decent standard of living for workers. Although minimum wage regulations remain in place, the weakening of workers' bargaining power through the expansion of non-permanent contracts and outsourcing increases the risk of wage stagnation and a decline in the quality of working conditions. Empirically, Statistics Indonesia (BPS) data shows that the proportion of contract and casual workers increased from around 28% (2019) to over 31% (2022), while social security coverage rates in this group are relatively lower than those of permanent workers. In this context, job creation through reducing employment costs (particularly layoff costs) has the potential to suppress workers' bargaining power in wage and employment negotiations. Consequently, increasing job quantity does not always align with improving income quality and equitable working conditions as required by SDG 8.

4. Social Protection

In the social protection dimension, the Job Creation Law introduces the Job Loss Guarantee scheme or Jaminan Kehilangan Pekerjaan (JKP) as a compensatory mechanism for workers who experience termination of employment. JKP is designed to maintain workers' livelihood after job loss by providing cash benefits, access to labour market information, and job training.⁶⁹ Normatively, this policy demonstrates the state's efforts to expand the social safety net for workers. However, ex-post evaluations indicate that JKP coverage remains limited, particularly for contract workers and the significant informal sector. Approximately 59.1% of Indonesian workers are in the informal sector (2024), which is legally outside the primary reach of the JKP scheme because they are not registered as active participants in the employment social security program. Even among formal workers, participation in the social security program is still not universal. Statistics from the Social Security Agency (BPJS Ketenagakerjaan) show that in 2023 the number of active participants in the employment social security program was approximately 40 million workers, far below the total working population of more than 135 million.

This limited coverage creates a selective nature of social protection. Although the JKP was intended to compensate for the weakening of severance pay under the new regime, the scheme does not fully reach the groups of workers most vulnerable to layoffs and income fluctuations. Employment policy literature shows that the effectiveness of unemployment protection schemes depends heavily on the level of labor market formalization and widespread social security coverage. In countries with high levels of informality, social protection based on formal employment relationships tends to create a significant coverage gap between permanent and non-permanent workers.⁷⁰

Thus, although the Job Creation Law presents policy innovation through the introduction of the Social Security Act (JKP), its actual impact on the social protection indicators in SDG 8 remains partial. While social protection has been expanded normatively, it has not yet been realized as universal protection covering the majority of workers, particularly those in flexible employment relationships and the informal sector. From an ex post RIA perspective, this situation indicates a gap between the normative objectives of social protection and the structural realities of the Indonesian labor market. Consequently, the relevance of the Job Creation Law's employment cluster to the decent work agenda in the social protection dimension remains limited.

5. Labor Rights & Social Dialogue

In terms of workers' rights and social dialogue, the flexibility of employment relations through the Job Creation Law has implications for weakening workers' bargaining power, particularly in the context of layoffs and collective bargaining. Butt and Lindsey show that

⁶⁹ Z Ragiliawan and B T Gunawan, "Job Loss Guarantee (JKP) from a State Expenditure Perspective," *Journal of Employment* 16, no. 1 (2021): 48-60.

⁷⁰ G Betcherman and A Dar, "Labor Market Institutions: A Review of the Literature," *World Bank Research Observer* 33, no. 1 (2018): 1-28.

legislative responses to the Constitutional Court's ruling tended to maintain the deregulatory orientation of the labor cluster, while not significantly strengthening the role of trade unions.⁷¹ Mahy also noted that this reform has the potential to shift the paradigm of employment law from a rights-based approach to a market-based approach.⁷² In fact, SDG 8.8 emphasizes the protection of workers' rights and the promotion of a safe and secure working environment. Therefore, in terms of labor rights indicators, the employment cluster of the Job Creation Law demonstrates a normative inconsistency with the principle of decent work.

Table 1.
Relevance of the Job Creation Law to Decent Work Indicators in SDG 8

SDG Indicator 8 (Decent Work)	Normative Objectives of the Job Creation Law	Ex Post RIA Findings (Actual Impact)	Level of Conformity with SDG 8	Analytical Notes
1. Productive employment opportunities (Employment opportunity)	Creating jobs through regulatory simplification and labor market flexibility	The open unemployment rate is declining; the number of employed people is increasing. However, the majority of new jobs are in the informal and non-standard sectors.	Partial	Job creation is quantitative in nature, and has not yet transformed into stable, value-added productive employment.
2. Job stability & security	Increasing flexibility of employment relationships (PKWT, outsourcing, layoffs)	The proportion of contract and casual workers is increasing; the risk of layoffs is higher; and precarious employment is expanding.	Low	Flexibility strengthens the adaptability of the labor market but shifts the risk of uncertainty to workers.
3. Adequate earnings & working conditions	Maintaining minimum wages with a formula based on economic growth and productivity	Minimum wages have risen nominally, but real wages have tended to stagnate due to inflation; workers' bargaining power has weakened.	Low-Partial	Wage policies meet formal standards, but do not guarantee a living wage and fair working conditions.
4. Social protection	Replacing part of the severance pay function with Job Loss Insurance (JKP)	JKP coverage is limited; the majority of informal and contract workers are outside the protection scheme.	Partial	Social protection is selective and not universal; there is a structural coverage gap.
5. Labor rights & social dialogue	Maintaining workers' rights within the framework of flexible employment relationships	The bargaining position of workers is weakened; the role of unions and collective bargaining is not strengthened; the deregulatory orientation is maintained.	Low	The shift from a rights-based approach to a market-based approach contradicts the principles of SDG 8.8.

Source: Secondary Data, 2025.

Overall, the ex-post RIA results indicate that the employment cluster of the Job Creation Law has stronger relevance to the economic growth and job creation dimensions of SDG 8, but

⁷¹ S Butt and T Lindsey, "The Indonesian Omnibus Law on Job Creation: Legal Impacts and Constitutional Challenges," *Bulletin of Indonesian Economic Studies* 58, no. 1 (2022): 1-23.

⁷² Mahy, "Indonesia's Omnibus Law on Job Creation: Reducing Labor Protections in a Time of COVID-19."

its relevance to the decent work dimension remains limited. The employment reforms have succeeded in partially reducing recruitment barriers and encouraging quantitative job creation, but have had consequences in the form of increased contractual flexibility, decreased job security, and limited social protection. In other words, the policy tends to produce more jobs but less secure jobs.⁷³ These findings strengthen the argument that the achievement of SDG 8 cannot be measured solely by the number of jobs created, but must be assessed by the quality of jobs and the legal protections that accompany them.⁷⁴

In this context, the employment cluster of the Job Creation Law still demonstrates a tendency to subordinate the decent work agenda to the goals of deregulation and market efficiency. Ex-post evaluations indicate that without explicit integration of SDG 8 indicators in regulatory design and evaluation, achieving the sustainable development agenda has the potential to be symbolic rather than substantive. Therefore, the relevance of the employment cluster of the Job Creation Law to SDG 8 depends heavily on the state's ability to make evidence-based regulatory adjustments. Institutionalizing ex-post RIAs that integrate SDG 8 indicators is a crucial prerequisite for ensuring that labor reforms not only promote economic growth but also guarantee decent, inclusive, and socially just work.

Conclusion

This study concludes that Indonesia's Job Creation Law, particularly its employment reform provisions, is more strongly aligned with the economic growth and job creation dimensions of SDG 8 than with the substantive decent work agenda. Through an ex post Regulatory Impact Analysis framework, the study finds that the law has contributed to regulatory simplification, labour market flexibility, and quantitative employment absorption. However, its alignment with decent work remains limited in four main areas: job security, wage protection, social protection, and labour rights. Expanded fixed-term employment contracts, broader outsourcing, recalibrated severance obligations, inadequate living wage protection, selective access to the Job Loss Guarantee scheme, and weakened social dialogue indicate that job creation has not been fully accompanied by secure, fairly paid, socially protected, and rights-based employment. This confirms that the achievement of SDG 8 cannot be assessed only by the number of jobs created, but must also be evaluated through the quality and legal protection of those jobs.

This study recommends that the government institutionalise SDG 8-based ex post RIA as a periodic evaluation mechanism for employment regulations. This evaluation should use measurable decent work indicators, including employment absorption, the proportion of fixed-term and outsourced workers, formal and informal employment structure, wage adequacy against living standards, BPJS Ketenagakerjaan and JKP coverage, layoff trends, collective bargaining coverage, and the effectiveness of labour rights enforcement. Future regulatory adjustments should strengthen protection for contract, outsourced, and informal workers, expand effective access to JKP, align wage policy with living costs, and reinforce social dialogue through trade unions and collective bargaining. These measures are necessary to ensure that labour market flexibility supports not only investment and job creation, but also decent, inclusive, and legally protected work.

This study is limited by its juridical-normative design, which relies on statutory analysis, secondary labour data, policy reports, and academic literature rather than direct fieldwork. Therefore, it does not claim strict causal measurement between the Job Creation Law and changes in employment indicators. Future research should use empirical, sectoral, or comparative methods to examine how the law is experienced by workers, employers, trade unions, and state institutions in specific sectors. Such research is needed to provide stronger evidence on how employment reform can better balance regulatory efficiency, investment, worker protection, and sustainable development.

⁷³ A Clark and F Postel-Vinay, "Job Security and Job Protection," *Oxford Economic Papers* 61, no. 2 (2009): 207-39.

⁷⁴ U E Chigbu and F H Nekhwewha, "The Paradox of Decent Work and Economic Growth in the Sustainable Development Goals," *Sustainable Development* 31, no. 2 (2023): 639-51.

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