



## Legal Protection for Remote Workers Regarding Working Hours and the Provision of Welfare Facilities Based on Labor Law in Indonesia

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Article	Abstract
<b>Keywords:</b> Legal Protection; Remote Working; Welfare Facilities; Working Time	<i>The development of technology and communication, more and more companies in Indonesia are starting to adopt remote working. There is no clear regulation of remote working in the Manpower Law Number 13 of 2003 or the Job Creation Law Number 11 of 2020. This research will discuss the regulation and legal protection for remote workers or remote working related to working hours, as well as welfare facilities based on labor law in Indonesia. Researchers use normative legal research as well as a statue approach and conceptual approach. The application of remote working systems can currently be based on the rules of labor law in Indonesia regarding working time, which has been determined in Government Regulation No. 35 of 2021 and Government Regulation No. 36 of 2021. However, The Employment Law has yet to further regulate the implementation and existence of remote working, which has not been fully defined under Indonesian Employment Law.</i>

### INTRODUCTION

The development of workers in remote working systems in Indonesia is very important to discuss in the context of the evolving world of work, especially since the COVID-19 pandemic has significantly changed work rhythms. According to Putra et al. (2023: 1), workers in remote working systems have different characteristics compared to conventional workers who work in physical workplaces.

Various innovations have emerged amidst the development of the Industrial Revolution 4.0 era, along with the rise of startup establishments. The term "startup" refers to new companies that are in the early stages of exploring and identifying markets. According to Sabowo (2019: 98), these companies are usually not large

companies but are still in the stage of research and development, with businesses that tend to revolve around technology, websites, and the internet.

At the beginning of 2020, the COVID-19 pandemic pushed the popularity of a new work system in the workforce, namely remote working or working from home. This system has been adopted by many companies, especially startups, as an alternative to the traditional office-based work model (Wong, 2020). This system is supported by government policies in the form of work-from-home recommendations, such as the issuance of Circular Letter from the Department of Manpower, Transmigration, and Energy of DKI Jakarta Province Number 14/SE/2020 Year 2020 concerning the Work-from-Home Appeal, which followed up the Instruction of the Governor of DKI Jakarta Province Number 16 Year 2020 on Increasing Awareness of the Risk of Coronavirus Disease (COVID-19) Infection.

The concept of remote working, which at the time was known as "electronic homework", was first discussed in Europe. Jack Nilles pioneered this idea in 1973. Then, in 1976, Nilles along with Carlson, Gray, and Hanneman published a systematic analysis of the pros and cons of remote work. Their report compared the benefits and costs of commuting to and working in the office with those of working from home (Mungkasa, 2020: 128). This system began to gain attention from many parties at the end of the 20th century, in line with the emergence of personal computers and communication technology.

The remote working system has brought both benefits and impacts on the development of the industrial world from the perspective of both employers and workers. For employers, this system can reduce expenses such as office or building rental fees, and operational costs for employees, or even eliminate them entirely. For workers, it provides flexibility in terms of time and workplace, allowing them to carry out their jobs alongside daily activities. This is made possible by the advancement of technology and communication tools such as mobile phones, computers, and internet connections.

However, this also creates potential legal issues for employers and blurs the boundaries between working hours and employees' personal time. Article 23 of Government Regulation No. 35 of 2021 paragraph (2) states that companies in certain business sectors or jobs that implement working hours below the provisions referred to in paragraph (1) have the following characteristics:

- a. The work can be completed in less than 7 (seven) hours per day and less than 35 (thirty-five) hours per week;
- b. Flexible working hours; or
- c. The work can be performed outside the work location.

Furthermore, paragraph (3) states that its implementation shall follow the working hours provisions determined by the Minister. However, the Ministerial regulation

related to the implementation of Article 23 of Government Regulation No. 35 of 2021 has not yet been established.

This lack of clarity in the legal norm becomes a legal issue and a problem in this study, particularly concerning the regulation of working hours. According to Marcum (2018: 74), some workers claim to feel overwhelmed because they continue to work from home beyond the designated working hours using technological devices. This system raises concerns that such practices may contradict existing labor laws and place undue burden on workers. Therefore, alignment with relevant legal protections needs to be considered to ensure the rights and welfare of workers are well protected.

It is important to note that remote working arrangements have not been further regulated in either the Manpower Law No. 13 of 2003 or the Job Creation Law No. 11 of 2020. This deserves further attention, as both laws do not differentiate the rights and obligations of remote workers from those of workers who work at physical workplaces or offices.

From a welfare perspective, all labor regulations are essentially designed to protect and ensure the well-being of workers/laborers (Sutrisno et al., 2015). Labor regulations in Indonesia cover everything related to the workforce, starting from when a person begins working, interns, or undergoes job training, during the employment period and the employment relationship with the employer while receiving wages, until the end of the employment period—whether due to retirement/age limit, the end of the employment agreement, or termination of employment. Employment encompasses all aspects of labor related to a workers or laborers and employers.

Based on Law Number 13 of 2003, the provision of welfare facilities aims to support the well-being and comfort of workers, as well as to improve the quality of life for them and their families. According to Law Number 13 of 2003, Articles 100 and 101 regulate matters concerning welfare. One of the articles that discusses the types and provision of welfare facilities for workers/laborers is Article 100 of the Manpower Law. The article states:

*“In order to improve the welfare of workers/laborers and their families, employers are required to provide welfare facilities.*

*The provision of welfare facilities as referred to in paragraph (1) shall be carried out by taking into account the needs of workers/laborers and the financial capacity of the company. Provisions regarding the types and criteria of welfare facilities in accordance with the needs of workers/laborers and the company’s financial capacity as referred to in paragraphs (1) and (2) shall be regulated by Government Regulation.”*

According to the author, this article regarding welfare facilities for workers contains legal ambiguity. The article obligates employers to provide welfare facilities in paragraph (1), but the types and criteria for these facilities are further regulated through a government regulation in paragraph (3). This creates uncertainty and lacks enforceability, as the article does not clearly consider the company's ability to provide

such facilities. In addition, there are no sanctions for employers who fail to comply with this provision.

The shift to remote working systems opens the possibility for employers to avoid expenses such as building rental fees; thus, it becomes very likely that employers, especially medium- to small-scale companies, do not provide welfare facilities for their workers/laborers.

This writing focuses on labor law, which serves as the foundation for the implementation of employment relations between employers and workers in Indonesia, particularly in the context of remote working systems that have started to be adopted by several startup companies. It examines how regulations on working hours and the provision of welfare facilities by employers are implemented, based on Law Number 13 of 2003 concerning Manpower, along with other relevant and specific regulations.

To support this writing, the author conducted research involving a source who works at a startup company engaged in the consulting business sector. This company, which applies a remote working system, is based in Jakarta. For confidentiality, the company's name is represented by the initial "Company A."

Based on this, the author aims to examine the legal framework and regulatory basis of labor laws related to working hours and the provision of welfare facilities, as well as the extent to which legal protection is provided for workers in Indonesia in the context of remote working systems.

## METHOD

The research method used in this study is a normative research method, which examines the law from an internal perspective and uses legal norms as the object of study. Based on the nature and characteristics of this research, the author requires a literature review, referring to primary legal documents and public literature, including both primary and secondary legal materials.

This research uses two approaches. The first is the statute approach, which involves reviewing all laws and regulations related to the legal issues being studied (Muhaimin, 2020: 55). The second is the conceptual approach, which starts from views and doctrines that have developed in legal studies.

There are two data sources, namely primary and secondary data. This study uses secondary data, as it employs a normative legal research method. Secondary data consists of data previously collected by other researchers, including primary legal materials, secondary legal materials, and tertiary sources.

This research focuses on the analysis and interpretation of applicable laws, whether in the form of regulations, jurisprudence, or legal doctrines. The data collection technique used is literature study, which involves gathering relevant legal materials from various sources, such as books, encyclopedias, literature, papers,

journals, other written works, and official documents. The study uses qualitative analysis techniques, where the researcher interprets or analyzes the legal materials collected for further processing.

## RESULTS AND DISCUSSION

### Working Hour Regulation for Remote Workers

Working hours refer to the period of time designated for performing productive work activities, whether during the day or at night. Working time is regulated in Article 77 of Law No. 13 of 2003 concerning Manpower and in Article 21 of Government Regulation No. 35 of 2021: 7 hours per day and 40 hours per week for a 6-day work week; or 8 hours per day and 40 hours per week for a 5-day work week.

In that regulation, the Manpower Law further states in Article 77 paragraph (4) that the provisions on working hours in certain business sectors are regulated by a Ministerial Decree. The Ministerial Decree of Manpower and Transmigration No. 233/2003 concerning the Types and Nature of Work, which remains in effect and has not been revoked following the enactment of Law No. 11 of 2020 concerning Job Creation, mentions the types of jobs that may be carried out continuously and are not subject to the working time provisions set out earlier, including: health service jobs, transportation service jobs, transportation repair services, tourism businesses, postal and telecommunication services, electricity provision, clean water supply networks (PAM), fuel and natural gas provision, supermarkets, shopping centers and similar businesses, mass media, security services, conservation institutions, and jobs which, if stopped, would disrupt production processes, damage materials, or involve maintenance/repair of production tools. Based on that classification of business sectors, many companies that are not included in those categories have nonetheless implemented remote working systems for their employees.

Article 23 of Government Regulation No. 35 of 2021 states that companies in certain business sectors or types of work may apply working hours outside of the general provisions, specifically for work that can be completed in less than 7 hours per day and less than 35 hours per week, has flexible working hours, or can be performed outside the work location. The specific business sectors referred to in Article 23 paragraph (2) are, according to paragraph (3), to be implemented in accordance with the provisions determined by the Minister. However, until now, the Minister of Manpower and Transmigration has not issued any updates or further regulations following the enactment of Government Regulation No. 35 of 2021, nor has it issued a new decree to enforce the provision stated in Article 23 paragraph (3). As a result, the exemption from standard working hours only applies to a limited number of business sectors.

Companies in certain business sectors and types of work have working time requirements that differ from the general provisions. The implementation of working

hours in such sectors, whether exceeding or falling short of the standard hours, shall be regulated under an Employment Agreement, Company Regulations, or Collective Labor Agreement, as stated in Article 25 of Government Regulation No. 35 of 2021.

Ministerial Decree No. 233/2003 of the Minister of Manpower and Transmigration, in Articles 4 and 5, explains that under certain circumstances, workers/laborers may be employed on public holidays if there is an agreement between the worker and the employer, and the employer is obligated to pay overtime wages. Article 23 paragraph (2) of Government Regulation No. 35 of 2021 mentions that certain business sectors or types of work that implement working hours below the general provisions may include flexible working hours, as stated in point (b). However, this does not provide clear proof that flexible working hours fall under the category of working hours shorter than what is regulated by law. As a result, the boundaries for overtime work when working hours exceed the limit become unclear.

An employment agreement is a matter that must first be established between the employer and the worker/laborer, either in written or unwritten form. The alignment between the implementation of working hours in the concept of remote working systems and what is stipulated in the employment contract appears to differ significantly. Based on an interview with a source who is one of the workers, and a review of the written employment contract at Company A, the agreement includes a specific clause stating that the company applies a remote working system. The employment contract should ideally include terms that reflect the actual working system implemented by the company to avoid legal disputes and to ensure legal certainty for both parties, as well as protection for workers/laborers.

McShane & Glinow (2021) state that remote working conceptually allows workers to complete their tasks flexibly, both in terms of location and time. Based on this view, remote workers are not bound by fixed working hours and can determine their own schedules in line with established deadlines. However, such flexibility in working hours can make it difficult to establish a clear mechanism for calculating overtime wages. According to Article 78 of the Manpower Law, employers are required to pay overtime wages if they require employees to work beyond the regulated hours.

In practice, based on workers' statements, they work with flexible hours using deadlines or targets to determine work duration. In the company's employment contract, the article regarding working hours and rest time states working hours from 08:00 to 17:00 WIB, or 8 (eight) hours per day for 5 (five) working days per week, with an additional clause stating: "*The nature of the work is such that it is not bound by the above Working Days and Working Hours provisions.*"

This kind of flexible arrangement may raise concerns among workers, especially in determining which hours fall outside working time and in calculating overtime pay. As mentioned, Article 78 of the Manpower Law obliges employers to compensate workers for overtime if they work beyond the set hours.



Based on this, the company has included a special clause indicating a flexible, deadline-based work system. However, the company also still includes fixed working hours in the contract. This is likely because Company A operates outside the business sectors listed in the Ministerial Decree of Manpower and Transmigration and is therefore required to follow the general legal provisions

### **Regulation on the Provision of Welfare Facilities in Remote Working Systems**

Facilities are a form of support provided to facilitate workers in carrying out their duties, with the aim of achieving optimal results and fostering a balanced reciprocal relationship with the company. Labor law represents the fulfillment of workers' normative or basic rights and obligations, as regulated in Chapter X, Part Three of the Manpower Law, specifically in Articles 99, 100, and 101 concerning welfare. One of the articles that regulates the obligation of companies to provide welfare facilities is Article 100 of the Manpower Law, which states:

In order to improve the welfare of workers/laborers and their families, employers are required to provide welfare facilities.

The provision of welfare facilities as referred to in paragraph (1) shall be carried out by taking into account the needs of workers/laborers and the financial capacity of the company.

Provisions regarding the types and criteria of welfare facilities, in accordance with the needs of workers/laborers and the company's financial capacity as referred to in paragraph (1) and (2), shall be regulated by Government Regulation.

The article explains that companies are obligated to provide welfare facilities for their workers, while also taking into consideration the company's capacity. Paragraph (3) states that the types and criteria of welfare facilities, as well as the financial capacity of the company, shall be further regulated by a Government Regulation. However, such a Government Regulation has not yet been issued, resulting in a lack of legal clarity concerning the types and criteria of welfare facilities and the measure of a company's financial capacity.

Company capacity can be found in Bekasi Regional Regulation Number 6 of 2001 concerning the Provisions for the Implementation of Welfare Facilities for Workers in Private Companies, where company capacity is categorized into three (3) groups:

1. Large Companies;
2. Medium Companies;
3. Small Companies.

However, this regulation is only a regional regulation, and thus its applicability is limited to the specified region. It does not constitute a government regulation with nationwide applicability that can comprehensively regulate the provision of welfare facilities for all workers across Indonesia.

The provisions on the types and criteria of welfare facilities are further elaborated in the explanatory section of Article 100 of the Manpower Law, which includes the following:

- Family planning services;
- Childcare facilities;
- Housing for workers/laborers;
- Places of worship;
- Sports facilities;
- Canteen facilities;
- Health facilities; and
- Recreational facilities.

Furthermore, Article 101 paragraph (1) of the Manpower Law states the importance of establishing worker cooperatives and other productive ventures to improve worker welfare.

The Regional Regulation of DKI Jakarta Province Number 6 of 2004 concerning Manpower, in Article 48 paragraph (2), adds two additional types of welfare facilities that must be provided:

- a. Rest facilities;
- b. Transportation.

In the explanation of the article, rest facilities refer to spaces where employees can rest if the company implements working hours with two separate work sessions in one day (split-time). Transportation facilities aim to reduce the worker's commuting costs. These facilities may include company vehicles, transportation allowances, and shuttle buses, typically provided by companies with more than 100 (one hundred) employees.

In the remote working system, workers perform their tasks without being physically present at the workplace but from a distance, and thus they do not receive the workplace facilities mentioned above to support productivity. Instead, workers use communication and technology tools such as mobile phones, laptops, or computers. These tools become the primary facilities essential to support remote workers in carrying out their duties. Based on the above description, the specific types of welfare facilities required by remote workers are not yet clearly regulated under any government provision concerning welfare facilities.

To further examine the provision of welfare facilities for workers at Company A, an analysis was conducted through the indefinite-term employment contract (PKWTT). The contract outlines several facilities provided to employees, such as social security, health insurance, and access to company facilities. It is evident that Company A has a physical office with the facilities listed in the contract; however, employees do not fully receive these facilities because they are not physically present at the office/workplace.



The contract specifies the welfare benefits available to employees while working. Considering the needs of remote workers, they require facilities that support their work using communication and electronic devices. In Article 9 “Employee Welfare” paragraph (4) of the employment contract, it is stated that the company is obliged to provide the necessary work equipment for employees to carry out their duties and enhance their skills. However, the contract does not clarify what specific work equipment is included. The employment contract of Company A is as follows:

Table 1. Employment Contract of Company A

<p><b>Article 9</b></p> <p><b>Employee Welfare</b></p> <p>The company is obligated to provide the following Employee Welfare Guarantee:</p> <p>1) BPJS Employment</p> <p>The company is required to enroll the Employee in the employment social security program under the Social Security Administering Body for Employment.</p> <p>2) BPJS Health</p> <p>The company is required to enroll the Employee in the health social security program under the Social Security Administering Body for Health.</p> <p>3) Employee Welfare Facilities</p> <p>The company is obligated to provide Welfare Facilities to Employees, which include:</p> <p>a. Welfare facilities at the workplace, including:</p> <p>i. Worship facilities</p> <p>ii. Restroom/bathroom facilities</p> <p>iii. Canteen facilities</p> <p>iv. Marriage assistance</p> <p>v. Death benefits</p> <p>4) Pension Fund</p> <p>Employees are entitled to be enrolled in a Pension Fund program, with contributions partially covered by the Company.</p> <p>5) Work Equipment and Training</p> <p>The Company is obligated to provide the necessary Work Equipment for Employees to carry out their tasks according to their job function, position, and classification. To enhance the Employees’ work skills and to meet the Company’s needs, the Company may provide work training from time to time, either internally or through third-party providers.</p> <p>6) Business Travel</p> <p>The Company has the right to assign Employees to business trip for the purpose of performing work duties, with all travel expenses covered by the</p>
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Company. Employees undertaking such business trips are entitled to receive a Business Travel Allowance.

In the assessment of the implementation of the remote working system at Company A, the work facilities that need to be provided by employees include a laptop and an internet connection. Based on this, the company may provide work facility allowances in the form of:

1. Laptop repair/maintenance assistance;
2. Provision or subsidy for internet data packages;
3. Support in providing a comfortable and adequate workspace (such as a coworking space);
4. Paid work-related tools for communication, such as video and audio conferencing applications (Zoom, Google Meet, etc.).

These facilities are derived from the needs and comfort of workers when performing their duties, as expressed by Mungkasa (2020). Such facilities may be provided as referred to in Government Regulation Number 36 of 2021 concerning wages, specifically in Article 12. Furthermore, Article 13 paragraph (2) states: “*Service charges in certain businesses must be distributed to Workers/Laborers after deducting reserve costs for loss or damage and the utilization for improving the quality of human resources.*” Based on this, companies should pay more attention to the provision of welfare or work-related facilities for employees working remotely, in accordance with their needs.

### **Legal Protection for Remote Workers**

Labor law in Indonesia is a crucial subject within the legal system, reflecting the state’s commitment to ensuring its citizens enjoy a decent life with proper access to employment. Labor law is a branch of law with a distinctive character, combining elements of both private and public law. This shows the role of the government in regulating and supervising the legal relationship between employers and employees. Government intervention is vital, even though employment relationships are essentially between legal subjects.

Within an employment relationship, companies are expected to fully understand the legal provisions concerning employment agreements and labor regulations, from the execution of work duties to the welfare of employees, so that imbalances between the parties can be avoided. A company’s understanding of applicable laws also helps reduce the risk of disputes and abuse between both parties. The government, in its role as stipulated in Article 102 paragraph (1) of the Manpower Law, is responsible for creating regulations or policies, conducting supervision, and taking action in legal relations between employers and workers, which tend to be hierarchical.

The existence of remote workers has not yet been fully defined within the framework of Indonesian labor law. The remote working system has not been comprehensively regulated, resulting in an inadequate foundation and lack of

preventive legal protection for remote workers. According to the author's review, current implementation of remote working is still based on fragmented regulations. From the perspective of Indonesian positive labor law, remote working systems can be categorized under flexible working hours, which are regulated in government regulations.

### **Legal Protection for Remote Workers Regarding Working Hours**

The implementation of working hours has a legal basis that serves to provide both preventive and repressive legal protection. The provisions regarding working hours are clearly regulated in Article 21 paragraph (2) of Government Regulation (PP) No. 35 of 2021, while further implementation is governed by employment agreements between companies and workers, company regulations, or collective labor agreements. Based on this, it can be concluded that the regulation of working hours must refer to Article 21 of PP No. 35 of 2021. However, if a company has a labor union, it is important to involve them in the drafting of company regulations and employment agreements.

Companies that implement a remote working system with flexible hours must still comply with the provisions of the prevailing laws and regulations. In company regulations and employment contracts, companies must choose either the 7-hour or 8-hour workday scheme and include a clause about flexible working arrangements if such implementation is applied.

Provisions on flexible working hours are regulated under Articles 23 to 25 of PP No. 35 of 2021 and have their own legal framework within specific sectors or types of work. The business sectors and types of work referred to in the elucidation of Article 23 paragraph (3) include energy and mineral resources, general mining, upstream oil and gas activities, horticultural agribusiness, and fisheries, particularly when located in specific areas. These are further supported by Ministerial Decree No. 233 of 2003 concerning Types and Characteristics of Work Performed Continuously.

In the context of remote working, there is a high probability that employees will work outside standard working hours and rest periods, including weekends, due to the flexible nature of their schedules. Based on the above, companies are allowed to employ workers with flexible working hours as long as it does not contradict the provisions of PP No. 35 of 2021. Although flexible working hours are regulated, the regulation lacks clarity in terms of types of jobs, working hours, and the mechanism for determining overtime for such employees. If a company employs workers beyond the applicable limits, such work is classified as overtime. Overtime is regulated in Article 81 number 24 of Law No. 6 of 2023, in paragraph (1) as follows:

- (1) *"An employer who requires Workers/Laborers to work beyond working hours as referred to in Article 77 paragraph (2) must fulfill the following requirements:*
- a. There is consent from the Worker/Laborer; and*

*b. Overtime may only be carried out for a maximum of 4 (four) hours per day and 18 (eighteen) hours per week.”*

Companies that violate working hour provisions may be subject to administrative sanctions as stipulated in Article 61 paragraph (1) of PP No. 35 of 2021. Companies that implement overnight or excessive work shifts without adhering to working hour provisions or failing to provide proper rest/nutritional time, as regulated in Article 29 paragraph (1) letters b & c of PP No. 35 of 2021, may face the following administrative sanctions:

1. Written warning;
2. Restriction of business activities;
3. Temporary suspension of part or all production facilities; and
4. Termination of business activities

Meanwhile, companies that fail to provide overtime compensation, as regulated in Article 81 number 24 of Law No. 6 of 2023, may be subject to criminal penalties. These include imprisonment for a minimum of 1 (one) month and a maximum of 12 (twelve) months and/or a fine of at least Rp 10.000.000,00 (ten million rupiah) and at most Rp 100.000.000,00 (one hundred million rupiah).

### **Legal Protection for Remote Workers Regarding Welfare Facilities**

The government's supervisory function over worker welfare is carried out through policies stipulated in Article 4 paragraph (1) of Law No. 7 of 1981 concerning Mandatory Manpower Reporting in Companies, which states:

- (1) Employers or managers are required to report in writing whenever they establish, cease, resume, relocate, or dissolve a company to the Minister or an appointed official.

This provision establishes that employers are obligated to report any establishment, closure, reactivation, relocation, or dissolution of the company. Furthermore, Article 7 paragraph (1) stipulates that such reports must be submitted annually in writing to the Minister or an appointed official. Mandatory Manpower Reporting in Companies (WLKP) is submitted by companies through the Ministry of Manpower's website, which includes a section requiring companies to report the provision of employee welfare facilities. Companies or reporting parties must specify the welfare facilities they provide in accordance with the [\*User Guide for the WLKP Application\*](#).

The criminal provisions under Article 10 paragraphs (1) and (2) of Law No. 7 of 1981 stipulate that employers or managers who fail to fulfill the obligations under Article 6 paragraph (1), Article 7 paragraph (1), Article 8 paragraph (1), and Article 13

may be subject to imprisonment for a maximum of 3 (three) months or a fine of up to Rp 1.000.000,00 (one million rupiah). Paragraph (2) further states that if the company commits a repeated violation after a final and binding court decision, only imprisonment shall apply for repeated offenses.

The provision of welfare facilities aims to support workers' productive activities. If companies fail to fulfill these obligations, local governments have the authority to impose administrative actions, such as written warnings and/or follow-up written notices, and may take further measures, including partial or total suspension of production equipment or revocation of licenses. Under general provisions in regional regulations, particularly the Regional Regulation of DKI Jakarta No. 6 of 2024, violations related to welfare facilities may result in criminal sanctions in the form of imprisonment for up to 6 (six) months or a fine of up to Rp 5.000.000,00 (five million rupiah). Companies must be aware that such sanctions do not relieve them of their obligation to fulfill entitlements and compensation owed to workers.

The aforementioned policies provide legal protection for employees regarding the employer's responsibility to provide welfare facilities. Remote workers are entitled to the same welfare benefits as office-based employees under applicable regulations and the terms of their employment contracts. They also bear the same responsibility to carry out their duties and obligations properly.

## CONCLUSION

Based on the findings previously described regarding the regulation and legal protection for remote workers in relation to working hours and the provision of welfare facilities, it can be concluded that the remote working system has yet to be specifically regulated in detail under existing Government Regulations and the Manpower Law. The implementation and legal recognition of remote workers are not yet fully established within the legal framework. However, the application of remote working arrangements can still be grounded in the existing Indonesian labor regulations, particularly those governing working hours, as stipulated in Government Regulation No. 35 of 2021 and Government Regulation No. 36 of 2021.

Regarding the provision of labor welfare facilities and work-related facilities for remote workers, the absence of further regulation regarding remote work creates potential issues in ensuring equality of treatment based on differing work locations. Law No. 13 of 2003 concerning Manpower does not yet provide specific provisions concerning the criteria for welfare facilities and the capacity of companies to provide them.

Nonetheless, remote working arrangements may still be implemented under current labor laws in Indonesia, provided that working hours are in accordance with the provisions of Government Regulation No. 35 of 2021. Legal protection for remote workers regarding working hours is ensured, as employers are obligated to provide

overtime pay if employees work beyond the established working hours, as regulated under Article 81 point 24 of Law No. 6 of 2023. In terms of legal protection concerning the provision of welfare facilities, Law No. 7 of 1981 concerning Mandatory Manpower Reporting in Companies mandates that employers report the welfare facilities provided by the company. Regional governments have the authority to impose administrative actions (written warnings and/or follow-up notices) and may take further steps, including temporary suspension of production facilities or revocation of licenses.

In conclusion, the remote working system can still be lawfully implemented in Indonesia, as the existing labor law framework provides general legal protection for workers' rights.

### **Recommendations**

Company A is encouraged and expected to develop a deeper understanding of the applicable labor laws and regulations, particularly those concerning the implementation of working hours and the provision of welfare facilities, when adopting a remote working system. This is essential to minimize the risk of conflict and undue pressure on employees, as well as to ensure that the specific needs of remote workers are adequately addressed. Remote workers have distinct mechanisms and facility requirements compared to conventional office-based employees. Fulfilling these needs is necessary to ensure that their rights are protected and that the company's productivity remains unaffected.

Employees are advised to become more aware of the legal protections afforded to them under labor regulations. They are encouraged to be open and assertive in safeguarding their rights, especially in situations where they may experience exploitation or workloads disproportionate to the rights and benefits they receive from their employers.

Relevant government institutions are expected to provide clearer regulations addressing the evolution of work systems in the digital era, particularly in terms of legal protection for remote workers. Suggested actions include revising Government Regulation No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods, and Termination of Employment, to adapt to current realities. The government should also consider enacting a new Government Regulation that defines flexible working hours and the legal status of remote workers, including the procedures for managing working hours, wages, and welfare entitlements. In particular, clarification is needed for the classification of flexible working time and types of work that allow for deviation from standard working hours. The Ministry of Manpower is especially urged to issue a Ministerial Decree (KEPMEN) as mandated by Government Regulation No. 35 of 2021, specifically to regulate remote work and address flexible working hour arrangements.



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