

LABOR LAW REGULATIONS ON AGILE WORK SYSTEM FROM THE PERSPECTIVE OF DIGNIFIED JUSTICE THEORY

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Abstract

The Agile Work System allows employees to work flexibly in terms of time and location. This research focuses on flexible working hours as a key aspect of that system. Currently, Article 77 Paragraph (2) of Law 6/2023 and Article 23 of Government Regulation 35/2021 permit flexible hours only in certain sectors. However, many other sectors have already adopted flexible work practices, making these regulations outdated. Therefore, the laws should be revised to include all sectors and ensure fairness and protection for workers. This study uses a normative juridical approach, drawing on legislative analysis and the Theory of Dignified Justice. It aims to propose changes to existing regulations so they better accommodate flexible working arrangements. The authors recommend amending the current law to allow flexible working across all sectors, with clear requirements to protect workers' rights. They also propose that flexible working arrangements must still comply with labor laws, including rules on overtime and wages. Additionally, the research suggests that both central and regional governments should supervise, review, and evaluate the implementation of agile work systems, focusing on continuous improvement and the protection of workers' rights. In conclusion, the research supports a legal framework for agile work that is fair, inclusive, and respectful of workers' dignity.

Keywords: Agile Work System, Theory of Dignified Justice, Labour Law

A. Background

Human needs are numerous and diverse, ranging from basic necessities such as clothing, food, and shelter, to secondary and tertiary demands. Opan Arifudin argues that human beings, by their very nature, must work to earn wages in order to meet their daily living needs¹. Therefore, obtaining decent employment is an important matter in human life and is recognized as a basic human right as stipulated in Article 27 Paragraph (2) of the 1945 Constitution. This aligns with the sustainable development goals promoted by the United Nations (UN), specifically the eighth goal which acknowledges the importance of sustainable, inclusive, and continuous economic growth, as well as full and productive employment, or in other words, decent work for all².

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¹ Opan Arifudin, "Pengaruh Kompensasi Terhadap Kinerja Karyawan Di Pt. Global (Pt.Gm)," *Jurnal Ilmiah MEA (Manajemen, Ekonomi, & Akuntansi)* 3, no. 2 (2019): 184–90, <https://doi.org/10.31955/mea.vol3.iss2.pp18>.

² Kate Capocci, "What Are the United Nations Sustainable Development Goals?," Evelyn Partners, 2022, https://www.embracerelief.org/what-are-the-united-nations-sustainable-development-goals/?gad_source=1&gad_campaignid=21475109662&gbraid=0AAAAADLIq28LL33hwn4ETGY7pDX5BKpbh&gclid=CjwKCAjw6s7CBhACEiwAuHQcklDfU_2u4qBcs6PfeSmhA7wfWlz_l2Q3XNWFfmIrr75muckYILkURh.

According to data from the Central Statistics Agency (BPS), about 95.09% of Indonesia's population was employed in August 2024.³ The data indicates that there are numerous job opportunities in Indonesia, which include both conventional employment (permanent/non-permanent workers) and freelance work, the latter being characterized by jobs that are performed without a long-term contract with a single company. On the other hand, there are also jobs that allow employees to work outside their offices, thereby facilitating individuals to spend more time with their families or attend to other needs outside of work; such jobs are known as Work From Home (WFH). However, freelance work and WFH are often misunderstood and equated, although there is a distinction between the two in terms of commitment: freelance work can be carried out independently and is not tied to any specific company, whereas those working from home remain connected to the company they are employed by.

WFH became popular during the COVID-19 pandemic in 2019, after the Government issued Regulation Number 21 of 2020 concerning Large Scale Social Restrictions. Both central and local governments implemented the WFH system to help curb the spread of the virus. After two years, the spread of COVID-19 was successfully controlled, and the public became familiar with flexible work systems or agile working. Agile working allows employees to work anytime and anywhere with a focus on results. For instance, the company Spotify implemented the “Work from Anywhere” policy which provides the freedom to choose the work location⁴. This policy also allows employees to work from different geographical locations, including overseas, for a portion of the year.

There are companies in Indonesia that have implemented this agile working system for their employees, namely PwC Indonesia. PwC Indonesia has begun to adopt agile working by allowing its employees to work outside the office, adding storage lockers for employees equipment, and increasing the number of meeting rooms⁵. In 2018, when PwC Indonesia relocated to the WTC 3 Building, Irhoan Tanudiredja, the Territory Senior Partner of PwC Indonesia, stated that “PwC Indonesia has opened its business at WTC 3 and has implemented our new agile working methods. We are breaking down barriers by embracing the future of technology. The new technology-based work methods bring us closer to you, our clients. Together, in this ever-changing business environment, we collaborate to build trust in society and solve important issues⁶”. If summarizing the opinion of Irhoan Tanudiredja together with the facts found on the ground from one of the employees, the agile working system implemented by PwC is in accordance with the definition of Agile Working itself, which is a new work system that breaks down barriers in terms of location by utilizing new technology for better work quality.

The flexible working system has both advantages and challenges. Some workers enjoy the freedom, while others struggle with irregular working hours. Article 77(2) of Law No. 6/2023 establishes standard working hours: 7 hours/day for 6 days or 8 hours/day for 5 days per week. Flexible working hours are only applicable in certain

³ Badan Pusat Statistik, “Jumlah Dan Persentase Penduduk Bekerja Dan Pengangguran, 2024,” *Bps*, 2024, <https://www.bps.go.id/id/statistics-table/2/MTk1MyMy/jumlah-dan-persentase-penduduk-bekerja-dan-pengangguran.html>.

⁴ Macrotrends.net, “Spotify Technology: Number of Employees 2018-2025,” accessed April 25, 2025, <https://www.macrotrends.net/stocks/charts/SPOT/spotify-technology/number-of-employees?>

⁵ “NDC Ministry - Inspire - AGILE WORKING,” n.d.

⁶ Irhoan Tanudiredja, “PwC Indonesia New Location, New Way of Working.”

sectors such as energy, mining, oil and gas, horticulture, and fisheries (Article 23 Government Regulation No. 35/2021). Companies in these sectors can arrange different working hours according to their needs. However, the flexible regulations do not apply to other sectors, leading to inconsistencies for companies adopting agile work outside the permitted sectors. This raises issues of fairness, as the working hours rules are often ignored. Many companies force workers to work beyond official working hours under the guise of flexibility, thus endangering workers' rights and welfare.

Based on data from the Indonesian Central Statistics Agency (BPS) in the Report on the Employment Situation in Indonesia as of February 2025, it was found that the average working hours of workers in Indonesia reached 42 hours per week⁷. Of the approximately 60 million workers surveyed, 5.46 million work more than 60 hours per week. As many as 23.84 million workers work 45-59 hours per week. This condition indicates that, in fact, nearly half of the workers in Indonesia surveyed by BPS work beyond the working hours stipulated by law.

Someone who works excessively beyond regular working hours can cause many negative impacts, such as increasing the risk of deterioration in both mental and physical health, and even the risk of death. Some cases that the author has found where workers experienced overwork and ultimately died include an employee of one of the Big Four Public Accounting Firms who passed away in July 2024, where records and statements from several former colleagues revealed that they could work up to 20 hours per day⁸. Not only in Indonesia, but looking at cases of death due to overwork in Japan in 2024, there were 54 workers who died from strokes and heart attacks caused by work-related exhaustion⁹. This situation is caused by the fact that the average working hours in Japan are 12 hours per day (09:00–21:00), and even new employees typically get home around 23:00. Not to mention if they still have to continue their work from home.

Considering the data and events above, the topic addressed in this writing becomes important to discuss. The agile working system indeed offers employees the opportunity to work with great flexibility. However, legal certainty regarding working hours must also be considered. Employees may not work in the office and might work from home or a cafe, but the question arises: how long do they work? What is the duration of their working hours? Although the location varies, working hours are an absolute measure. Even if they do not work in the office, if their working hours exceed the legally regulated time, it could pose a risk to the employees.

The writing team has found several previous studies related to the writing of this research, including the following:

- a. Research titled: "Juridical Analysis of 'Agile Working' from The Perspective of Indonesia's Positive Labor Law¹⁰". This 2022 research by Joshua Evandeo Irawan

⁷ Badan Pusat Statistik Indonesia, "KEADAAN PEKERJA DI INDONESIA FEBRUARI 2025" (Jakarta, 2025).

⁸ Nafilah Sri Sagita, "Karyawan Muda EY Meninggal Dunia Diduga Gegara Kelelahan Terlalu Banyak Kerja," detikHealth, 2024, <https://health.detik.com/berita-detikhealth/d-7550843/karyawan-muda-ey-meninggal-dunia-diduga-gegara-kelelahan-terlalu-banyak-kerja>.

⁹ Halimatus Sadiyah, "Fenomena Budaya Kerja Toksik, 45 Karyawan Meninggal Kelelahan," CNBC Indonesia2, 2024, <https://www.cnbcindonesia.com/lifestyle/20240904141350-33-569072/fenomena-budaya-kerja-toksik-45-karyawan-meninggal-kelelahan>.

¹⁰ Joshua Evandeo Irawan and Dwi Foni Yunita Nur Asyah, "Juridical Analysis of 'Agile Working' from Indonesia's Positive Labor Law's Point of View," *Jurnal Penelitian Hukum De Jure* 23, no. 2 (2023): 193, <https://doi.org/10.30641/dejure.2023.v23.193-206>.

and Dwi Foni Nur Asyah shows that Agile work can be implemented in Indonesia if it follows Labor Law No. 6/2023 and Government Regulation No. 35/2021. Companies using Agile that exceed working hours must pay overtime wages. Unlike earlier studies that only outlined Agile conditions, this research emphasizes renewing flexible working hour regulations across all sectors to ensure fairness and dignity for workers.

- b. Research titled: “*Pengaruh Perubahan Teknologi Terhadap Regulasi Hukum Ketenagakerjaan*”¹¹. This research was written by Aina Putri Ayu and Nikmah Dalimunthe in 2023. The final results of this study indicate that due to technological changes, work can be performed using digital technology, a phenomenon known as the gig economy. Consequently, terms related to work systems such as remote working have emerged. The current labor law regulations have yet to address the impacts of changes in employment practices brought about by technology and digitalization. Considering the previous research mentioned above, the authors' team established the fact that technology has transformed employment practices, leading to the emergence of new work systems such as the Agile Work System, thus necessitating the revision of legal regulations.
- c. Research titled: “*Analisis Hukum Terhadap Penerapan Jam Kerja Fleksibel di Sektor Industri Pasca Pandemi Covid-19*”¹². This 2025 research by Al Amin and Welly Apria reveals a legal gap in regulating flexible working hours across all business sectors in Indonesia. Currently, flexible hours are managed only through agreements between workers and employers, causing uncertainty in practice. The authors argue that regulations on flexible working hours should be established for all sectors, with specific conditions to ensure fairness and dignity for workers.
- d. Research titled: “*Perlindungan Hukum Pekerja dalam Penerapan Sistem Remote Working sebagai Pembaharuan Sistem Kerja*”¹³. This 2025 study by Centia Sabrina and Andriyanto Nugroho found that Indonesia currently lacks specific regulations on remote working, unlike many other countries. To address this gap and build on previous research, the team proposed renewing flexible working hour regulations to better support agile working systems, including remote work, based on the theory of dignified justice.
- e. Research titled: “*Penerapan Peraturan Pemerintah Mengenai Waktu Kerja dan Waktu Istirahat: Persepsi Jurnalis*”¹⁴. This research, authored by (Faizal Amir et al., 2022), examines working hours regulations in journalism. The study concludes that the media sector is not yet legally permitted to implement flexible working hours. Journalists often work beyond designated hours while gathering news in the field. As a novel contribution, the research proposes expanding flexible working

¹¹ Aina Putri Ayu and Nikmah Dalimunthe, “Pengaruh Perubahan Teknologi Terhadap Regulasi Hukum Ketenagakerjaan,” *Innovative: Journal Of Social Science Research* 3, no. 2 (2023): 5785–96.

¹² Al Amin and Welly Apria Nawa, “ANALISIS HUKUM TERHADAP PENERAPAN JAM KERJA FLEKSIBEL DI SEKTOR INDUSTRI PASCA PANDEMI COVID-19,” *Triwikrama : Jurnal Ilmu Sosial* 8, no. 4 (2025): 1–6, <https://doi.org/https://doi.org/10.9963/n9yhwx37>.

¹³ Centia Sabrina Nuriskia and Andriyanto Adhi Nugroho, “Perlindungan Hukum Pekerja Dalam Penerapan Sistem Remote Working Sebagai Pembaharuan Sistem Kerja,” *Jurnal Usm Law Review* 5, no. 2 (2022): 678, <https://doi.org/https://doi.org/10.26623/julr.v5i2.5555>.

¹⁴ Faizal Amir Parlindungan Nasution, Yeni Nuraeni, and Firdausi Nuzula, “Penerapan Peraturan Pemerintah Mengenai Waktu Kerja Dan Waktu Istirahat: Perspektif Jurnalis,” *Jurnal Ketenagakerjaan* 17, no. 2 (2022): 105–20, <https://doi.org/10.47198/naker.v17i2.138>.

hour regulations to cover all business sectors in Indonesia, with clear provisions and protections to ensure workers' rights and promote fair and dignified employment relationships.

The five previous studies share a key finding: the current legal framework fails to ensure justice for workers in agile working systems. The unfair application of flexible working hour regulations in Indonesia tends to disadvantage workers while favoring employers. Ideally, laws should be designed to humanize and protect people¹⁵. In this regard, labor law should also provide certainty and legal fairness concerning an agile work system, which is closely related to the elements of flexible working time. This is why, in the topic raised by the author, the agile work system must be implemented based on legal regulations that humanize people. The theory of dignified justice is used to analyze the proper legal rules to accommodate the agile working system. Therefore, in this context, the authors intend to conduct a more in-depth study on this gap under the title: Labor Law Regulations on Agile Work System from The Perspective of Dignified Justice Theory.

B. Identified Problems

Based on the description above, the problem statement that will be used in this research is: "How is the legal regulation of fair and dignified labor in relation to the Flexible/Agile Working System in Indonesia?"

C. Research Methods

Legal research is essentially a scientific activity based on a method aimed at studying one or several specific legal "phenomena" through analysis. According to Soerjono Soekanto as quoted by Bambang Sunggono, legal research is divided into normative legal research and empirical legal research¹⁶. The research methodology employed in this study is Legal Research Methodology with a type of Normative Juridical Research. Normative Research (Juridical Normative) is a type of research utilized in this writing, which is understood as "A process to discover legal rules, legal principles, as well as legal doctrines in order to address legal issues encountered"¹⁷.

The approach used in this research is the following approach:

- a. The statutes approach is "an approach that is carried out by identifying and discussing the applicable laws and regulations related to the material discussed in this discussion";
- b. The conceptual approach, which is defined as "an approach to problems based on the opinions of scholars as supporting grounds"¹⁸.

The data used in this research is Secondary Data. Secondary Data refers to data that is already available or presented in the form of written documents, tables, images resulting from measurements, research findings, writings by experts, and so on¹⁹. The

¹⁵ Teguh Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum* (Bandung: Penerbit Nusa Media, 2021).

¹⁶ Bambang Sunggono, *Metodologi Penelitian Hukum*, 15th ed. (Jember: PT RajaGrafindo Persada, 2015).

¹⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana Prenada Media Group, 2010), hal. 35.

¹⁸ *Ibid.*, h. 93.

¹⁹ Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum*, 13th ed. (Depok: PT RajaGrafindo Persada, 2016).

secondary data used in this research is in the form of legal materials and writings by experts, specifically concerning the Theory of Dignified Justice.

The legal materials utilized in this research writing are primary legal materials that include :

- a. The 1945 Constitution of the Republic of Indonesia;
- b. Law No. 6 of 2023 concerning “The Establishment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law”;
- c. Government Regulation No. 35 of 2021 concerning “Fixed-term Employment Contracts, Outsourcing, Working Hours and Break Times, and Termination of Employment”.

The secondary legal material used in this research is the Theory of Dignified Justice. This theory will serve as the philosophical foundation and theoretical basis for discussing fair and dignified labor law regulations for the agile work system.

D. Research Findings and Discussions

1. Theory of Dignified Justice

Justice is the primary hope that the Indonesian people seek from the existence of law. This hope arises because justice has been asserted in the fifth principle of Pancasila, which states 'Social Justice for All Indonesian People,' serving as the ideological foundation of the nation. All Indonesian citizens, throughout the legal territory of the Republic of Indonesia, are entitled to receive and experience that justice. This value remains relevant throughout time as justice is a universal principle that must be consistently realized. To achieve this, the law must be formulated and enforced based on Pancasila as the ideological foundation, in order to ensure the creation of justice for all layers of society²⁰.

According to Gustav Radbruch, justice has several meanings:

- a. Justice is understood as a personal trait or quality. Subjective justice, as secondary justice, refers to the stance or attitude, views, and beliefs aimed at the realization of objective justice as primary justice.
- b. The source of justice emanates from positive law and the ideals of law (*Rechtsidee*).
- c. The essence of justice is equality.

According to Gustav Radbruch, justice should be the primary goal of the legal system, taking precedence over legal certainty and utility. This viewpoint is the result of reflections on historical experiences, particularly during the Nazi regime in Germany, which used the law repressively to legitimize various actions that contradicted humanitarian values during World War II. Initially, Radbruch held legal certainty as the most fundamental principle. However, upon witnessing how law was employed as a justification for inhumane actions through the state's legalization of atrocities, he revised his stance. He subsequently asserted that in circumstances where the law is in evident conflict with justice, justice must be prioritized. Thus, the law should not be separated from moral values, so as not to

²⁰ Antonius Cahyadi and E. Fernando M Manullang, *Pengantar Ke Filsafat Hukum*, 2nd ed. (Jakarta: Kencana, 2008), <https://doi.org/9789793925905>.

lose its ethical legitimacy as an instrument that ought to protect human rights and uphold human dignity²¹.

Gustav Radbruch later changed his legal theory to put justice above all other legal goals. Ideally, the law should balance three key values: justice, usefulness, and legal certainty. But in reality, these values often clash. To deal with this, Radbruch introduced the "principle of priority," which helps decide which value should come first. He argued that justice should always come first, followed by usefulness, and then legal certainty. This shows that, for Radbruch, justice is the most important legal value, while certainty is the least. Therefore, the law should focus on achieving real justice, not just being clear or efficient.

In discussing the purpose of law, particularly in the context of justice, it is relevant to raise one of the justice concepts known as the Dignified Justice Theory. This concept was proposed by Teguh Prasetyo in his work entitled "Dignified Justice from a Legal Perspective". According to Prasetyo, dignified justice is a form of justice that positions humans as whole subjects possessing dignity and human values. He formulates this concept as "justice that humanizes humanity" or, in the unique terms used by the author, justice that "*nge-wongke wong*"²². Thus, justice is not only understood in a legal-formal sense but must also encompass ethical and moral values that respect the dignity and worth of every individual.

The idea of dignified justice comes from the second principle of Pancasila Just and Civilized Humanity—which highlights the importance of human values in all areas of life, including law. In this view, the law should not only set rules but also respect and uphold human dignity. Every law should be created and applied in a way that balances the three main legal values: justice, usefulness, and legal certainty. These values should guide how society is regulated, ensuring fairness and civility for all²³.

The theory of dignified justice represents a conceptual framework that has emerged within the field of legal theory. It encompasses a wide scope and consists of four principal aspects. First, the philosophy of law, which provides the normative and ethical foundation for understanding justice. Second, legal theory, which elucidates the structure and function of law within the context of dignified justice. Third, legal jurisprudence, which addresses the systematization of legal norms and the application of positive law. Fourth, the practical dimension of law, which focuses on the realization of dignified justice through the enforcement of legal principles within society²⁴. With its wide-ranging scope, the theory of dignified justice is not merely conceptual but also holds practical relevance in addressing various challenges of justice within the context of modern law. This theory is rooted in the dynamics between two streams of legal thought: the upper stream (*lex eterna*), which refers to divine law or law that is eternal in nature, and the lower stream (*volkgeist*), which reflects the spirit or soul of the law of a society. Therefore, understanding this theory requires interpretive efforts that align with the concept of law in accordance with the will of God, particularly within the

²¹ Arief Sidharta, *Meuwissen Tentang Pengembangan Hukum* (Bandung: PT Refika Aditama, 2008).

²² Teguh Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum* (Bandung: Penerbit Nusa Media, 2021), h.2.

²³ *Ibid*, h.52

²⁴ Teguh Prasetyo and Abdul Halim Barkatullah, *Filsafat, Teori, & Ilmu Hukum "Pemikiran Menuju Masyarakat Yang Berkeadilan Dan Bermartabat,"* 1st ed. (Jakarta: Rajawali Pers, 2012).

framework of a national legal system based on Pancasila as the foundation and ideology of the state.

The theory of dignified justice is a multidisciplinary approach that combines legal philosophy, legal theory, legal dogmatics, and legal practice to provide a complete understanding of law. Its main goal is to explain the nature of law by focusing on justice, seen as creating laws that respect and humanize people. This idea of justice is based on the belief that humans are created by God and have inherent dignity and honor. This view is different from Western thinkers like Thomas Hobbes, who saw humans as aggressive and competitive, describing them as “man is a wolf to his fellow man” Hobbes believed people act with dominance and conflict in politics, economics, society, and culture. In contrast, dignified justice stresses respect for human dignity in all aspects of law²⁵.

The Theory of Dignified Justice is not just theoretical but actively applied in Indonesia’s legal system. Several court rulings, including Supreme Court decisions, reference this theory. For example, in the Barabai District Court Decision No. 8/Pid.Sus/2021/PN Brb concerning Akhmad Arianto’s narcotics case, judges emphasized that punishment should prevent crime and protect society while treating defendants humanely. This reflects dignified justice principles, viewing law as a tool to resolve issues while respecting human dignity. Similar principles appear in rulings from the Pasuruan District Court, Barabai District Court, and Riau Islands High Court. These decisions show judges’ dedication to laws that respect human values beyond mere norms, affirming that law’s purpose is to humanize individuals and uphold dignity and human rights²⁶.

The correlation between the court ruling mentioned in the previous paragraph and the topic addressed by the author is that the author aims to demonstrate that the Theory of Dignified Justice has been applied in legal practice. Thus, in principle, lawmakers should be able to establish legal regulations regarding an agile working system that is fair and dignified without difficulty. Labor law provisions, particularly those related to working hours and workplace arrangements, must be fair and dignified, while also accommodating the agile working system.

2. The Concept of Flexible Working Hours in the Agile Work System

The agile working method demands flexibility in working hours, allowing workers to complete tasks without being bound by a physical location, in contrast to traditional rigid work. According to PERMEN 15/2005, working hours are the time used to carry out tasks. Riska Nurmajidah mentions that working hours can be conducted during the day or night, depending on the needs of the job. In agile working, the definition of working hours is expanded to enhance efficiency and effectiveness without constraints of time and place. This flexibility aids productivity and work-life balance while still adhering to applicable legal regulations²⁷.

²⁵ Prasetyo, *Keadilan Bermartabat Perspektif Teori Hukum*.

²⁶ Prasetyo and Barkatullah, *Filsafat, Teori, & Ilmu Hukum “Pemikiran Menuju Masyarakat Yang Berkeadilan Dan Bermartabat.”*

²⁷ Riska Nurmajidah, “Pengaruh Jam Kerja , Upah Dan Usia Terhadap Produktivitas Kerja Karyawan Pada PTPN V SEI Buatan Kecamatan Dayun Kabupaten Siak,.” Universitas Islam Riau, 2020, 1–132, <https://repository.uir.ac.id/14364/1/165210175.pdf>.

The working hours regulation in Indonesia has undergone significant changes in the law. The provisions of working hours, which were originally stipulated in Article 77 of Law No. 11 of 2020, have been revised through Article 81 Paragraph 23 of Law No. 6 of 2023. Additionally, working hours are also governed by Article 21 Paragraph (2) of Government Regulation No. 35 of 2021. Based on this regulation, the working hours are seven hours per day and 40 hours per week for six working days, or eight hours per day and 40 hours per week for five working days within one week.

The implementation of working hours is further regulated through employment agreements between workers and companies, company regulations, or collective labor agreements involving labor unions. While there are basic legal rules regarding working hours, their implementation can be adjusted based on agreements in the contract or company regulations. If there is a labor union, they play a crucial role in drafting collective labor agreements to ensure that workers' interests are met fairly and in accordance with the law. This indicates that the regulation of working hours is not solely a matter of legal rules, but also prioritizes social dialogue and mutual agreements between workers and employers to foster a fair and harmonious working relationship.

Companies implementing an agile working system with flexible working hours must still comply with Article 81 point 23 of Law No. 6 of 2023 and Article 21 Paragraph (2) of Government Regulation No. 35 of 2021. Companies are required to choose one of the regulated working time options, namely seven hours per day for six working days per week, or eight hours per day for five working days per week. If utilizing flexible working hours, the terms of flexibility must be clearly outlined in the work conditions, company regulations, or collective labor agreements. This ensures that the implementation of flexible working hours remains in accordance with the applicable legal regulations.

In addition, Articles 23 to 25 of Government Regulation No. 35 of 2021 regulate flexible working hours for certain sectors like energy, mining, oil and gas, horticultural agribusiness, and fisheries. These companies can set working hours shorter or longer than the standards in Article 21 of the regulation, allowing adjustments based on each sector's needs. Flexible working hours give employers and employees freedom to agree on schedules, especially when work duration is shorter than the standard (Article 23 Paragraph 2 letter b). For sectors with longer working hours, arrangements must be formalized in work agreements, company rules, or collective labor agreements as stated in Article 25 Paragraph 2 of the regulation.

In line with the concept of agile working, employees may perform tasks beyond regular working hours, even on public holidays, as working hours are flexible. Companies are permitted to implement a flexible working time system as long as it complies with Law No. 6 of 2023 and Government Regulation No. 35 of 2021. If employees work beyond the hours stipulated in their employment agreements or company regulations, such hours are considered overtime. According to Article 81 number 24 of Law 6/2023, overtime is limited to a maximum of four hours per day and eighteen hours per week.

Furthermore, Article 78 Paragraph (2) emphasizes that employers who employ workers beyond the working hours are required to pay overtime wages,

except for certain sectors that are exempted as previously explained. In addition, companies must also provide sufficient resting time for workers after overtime, in accordance with Article 29 of Government Regulation 35/2021 and Article 81 number 25 of Law 6/2023, which replaces Article 79 Paragraph (2) of Law 11/2020, namely :

- a. “A break between working hours shall be at least half an hour after working continuously for 4 (four) hours, and this break shall not be included in the working hours; and
- b. A weekly rest of 1 (one) day for 6 (six) working days within 1 (one) week.”

The provisions regarding working hours, overtime, and breaks are regulated in Government Regulation Number 35 of 2021. Therefore, companies implementing an agile working system must comply with these regulations and clearly outline the working time arrangements in the employment agreement, company regulations, or collective labor agreement. The implementation of this system must be supported by effective monitoring mechanisms, such as recording through check logs, fingerprints, or other methods to ensure compliance with the agreed-upon working hours.

The provisions of Article 81 paragraph 23 of Law No. 6 of 2023 are essentially the same as Article 21 paragraph (2) of Government Regulation 35/2021, which stipulates working hours of seven hours per day and 40 hours per week for six working days, or eight hours per day and 40 hours per week for five working days. The implementation of these working hours can be further detailed through work agreements, company regulations, or collective labor agreements involving trade unions where applicable.

Based on legal regulations, working hours must follow Article 81 number 23 of Law No. 6 of 2023 and Article 21 paragraph (2) of Government Regulation No. 35 of 2021. However, the details can be adapted in employment agreements or company policies to suit each business's needs. If a labor union exists, collective labor agreements play a key role in representing workers' interests. Companies using agile working with flexible hours must comply with these laws by choosing either seven or eight hours of work per day. The flexible working hours arrangement must be clearly included in employment contracts, company rules, or collective labor agreements.

In the concept of agile working, employees may work outside standard working hours and even on holidays, as long as they do not violate Law No. 6 of 2023 and Government Regulation No. 35 of 2021. If employees work beyond the designated working hours or exceed the employment agreement, such time is categorized as overtime. Overtime is strictly regulated concerning time limits and compensation under Article 81 point 24 of Law 6/2023, which amends Article 78 of Law 11/2020 paragraph (1) as follows:

- (1) “Employers who hire Workers/Laborers beyond the working hours as referred to in Article 77 paragraph (2) must fulfill the following requirements:
 - a. There is consent from the relevant Worker/Laborer; and
 - b. Overtime work can only be performed for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week.

The amendment to Article 78 paragraph (2) emphasizes that employers are required to pay overtime wages to workers who work beyond the hours specified in paragraph (1), except for certain sectors that are exempted under paragraph (3). Overtime wages are defined in Government Regulation Number 35 of 2021 as financial compensation for workers who work outside of normal working hours (Article 1 number 8). Detailed provisions regarding overtime work are regulated in Articles 26-30 of Government Regulation 35/2021. Therefore, companies that implement agile working and employ workers during overtime hours must comply with Article 81 number 24 of Law 6/2023 and pay overtime wages in accordance with the regulations in Government Regulation 35/2021.

3. The Legal Regulation of Employment Relations Toward the Agile Work System from the Perspective of Dignified Justice Theory

A just law is one that humanizes humanity; this is the essence of the theory of dignified justice. Although it may sound simple, this principle carries deeper meaning than ordinary legal theories. This theory emphasizes that human thinking in law should approach divine values or the thoughts of God²⁸.

To understand the theory of dignified justice as a foundation for legal reform, particularly in the regulation of employment and the agile work system, more specific and modern regulations are required. This regulation aims to ensure better justice for workers, not because the current regulations are unjust, but because employment practices have evolved in line with the progress of the times. The flexible agile work system in terms of working hours necessitates new rules that accommodate such flexibility across all sectors of work in Indonesia, with clearly written conditions in the regulations. The writing team deems this essential to ensure that labor law remains relevant and humane.

The legal provisions regarding flexible working hours currently apply only to certain sectors as regulated in Article 23 paragraph (3) of Government Regulation 35/2021. As a result, only those sectors are legally permitted to implement flexible working hours for their employees. This regulation needs to be amended by expanding its scope, so that all sectors or companies that allow for flexible work can implement a flexible working hours system without exception. The classification of this business sector/company must include the requirement of :

- a. The work performed is dominated by the use of communication and information technology (internet);
- b. In essence, work can be conducted anywhere;
- c. Work must be performed within a specific time or at least provide a time limitation for the completion of tasks;
- d. It is not permitted to employ workers on holidays;
- e. Business sectors through business associations or companies must report the proposal for this agile work system to the local labor office.

Through the implementation of the above provisions, there will be no conception that 'restricts' the regulation of this flexible working hours only to

²⁸ Destalia Kristiani, "Konsep Pidana Rehabilitasi Berbasis Teori Keadilan Bermartabat Bagi Pecandu Dan Korban Penyalahgunaan Narkotika," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 7, no. 2 (2022): 395, <https://doi.org/10.17977/um019v7i2p395-404>.

certain business sectors; rather, it applies to all sectors with specific conditions. From the perspective of employers, there is also legal certainty and fairness to implement this flexible working time within the agile working system.

Furthermore, provisions must also be established to guarantee workers' rights. Essentially, the regulation regarding working hours as outlined in Government Regulation 35/2021 in conjunction with Law 6/2023 is in accordance with the principles of humanity, wherein the general working time is 40 (forty) hours per 1 (one) week. However, when the work system changes to an agile model, the assurance of the implementation of working hours still adhering to a maximum of 40 hours per week must also be present. Therefore, several additional provisions must be included:

- a. Working hours in the agile work system must still adhere to the working time regulations as stipulated by Law No. 6 of 2023 in conjunction with Government Regulation No. 35 of 2021, namely:
 - 1) 7 hours/day for 6 working days in 1 week; or
 - 2) 8 hours/day for 5 working days in 1 week;
- b. Work time regulation must also provide a break period of 1 hour after a maximum of 4 consecutive hours of work each day;
- c. Workers and employers/companies agree on an agile working system together in accordance with all labor law provisions;
- d. If employees works agile and exceed their working hours, the company is obliged to provide overtime pay in accordance with labor law regulations;
- e. The provisions regarding overtime work must still comply with labor law regulations;
- f. Employees have the right to cease work when the working hours have been completed and the overtime hours have reached the maximum limit per day and per week.

Furthermore, it is necessary to add provisions for oversight from the central and regional governments through the Ministry of Manpower and the local Manpower Office to ensure the implementation of agile working in compliance with the law. Oversight will be conducted through periodic reviews by relevant industry associations and the provision of reporting facilities for workers who feel their rights have been violated. The results of these reviews must be evaluated with a focus on the protection and fulfillment of workers' rights.

The Dignity-Based Justice Theory applied to legal regulations regarding Agile Working System is as follows:

- a. Does not remove the essence of a job (work, wages, and instructions);
- b. Regulate the obligations of companies implementing the Agile work system to register as companies with an Agile work system with the local labor office;
- c. Regulate provisions regarding Agile working hours, which must not conflict with working hours stipulated in the Labor Law (Law 6/2023), including provisions on overtime limits to ensure they do not exceed the limits set by labor law;

- d. Regulate provisions regarding the Agile work supervision system, where employees have the flexibility to work anywhere and anytime, but remain under the supervision of the company;
- e. Regulate the mechanism for requesting fair overtime pay even when working outside the office and ensure certainty regarding overtime wages;
- f. Regulate the obligation for periodic performance reporting by employees to the company, as this is necessary to ensure that employees fulfill their duties properly, representing fairness from the company's perspective;
- g. Assign responsibility to the local Department of Manpower to monitor and periodically inspect companies that register as adopting an agile work system, as well as handle complaints from employees whose rights or working hours are violated by companies implementing such an agile work system.

In the end, the state is obliged to provide legal justice for workers in the agile working system by updating legal products. This update must be oriented towards humanizing people, so that workers are not treated as “slaves” who can be exploited by employers. Flexible working systems should not sacrifice the decent quality of life for workers.

E. Conclusions

The legal regulations regarding flexible working hours currently only apply to certain sectors, thus requiring updates to be applicable to all business sectors under specific conditions related to the type of work and the use of technology. The agile work system must continue to adhere to the provisions of working hours and breaks in accordance with Law 6/2023 and Government Regulation 35/2021, including the obligation for overtime pay if working hours are exceeded. Furthermore, the government is obligated to monitor and evaluate the implementation of the agile system to ensure the protection of workers' rights is effectively maintained. This update aims to create a fair and humane working system for all workers.

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