



Juridical Analysis of State Responsibility in Fulfilling the Rights and Compensation of Fixed-Time Work Agreements (PKWT) Workers in the Outsourcing System

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Abstract

Background. The increasing incidence of more flexible employment relationships, including fixed-term contracts (fixed-time work agreements/PKWT) and outsourced workers, poses new challenges to the protection of workers, including the achievement of employment compensation rights. This has been sufficiently articulated in various laws that are normatively expected to be effective, but in practice, violations of rights still recur. This situation shows a discrepancy between what is ordered and what happens on the ground.

Aims. This study seeks to reveal how state responsibility is carried out in fulfilling the rights of PKWT workers, as well as how monitoring and law enforcement are carried out in practice.

Methods. This research uses a normative legal approach by examining laws and regulations, legal concepts, and relevant studies, and linking them to emerging practices.

Result. The results of the discussion show that the main problem does not lie in the absence of norms, but in how these norms are implemented. Responsibilities in outsourcing systems are not fully distributed, so when a breach occurs, workers are often unsure who is responsible. On the contrary, the functions of supervision and law enforcement have not been properly carried out. Inconsistent supervision and law enforcement responses that tend to be weak mean violations do not result in meaningful consequences for business actors. Under these conditions, the law remains a reference, but it has not fully worked as an effective instrument of protection. As a result, worker protection is still at the formal level and has not been fully felt in practice.

Conclusion. Thus, the issue of protecting PKWT workers in the outsourcing system cannot be understood solely as a matter of compliance; it is also related to how the state carries out its supervisory function and ensures clarity of responsibilities in employment relations.

Implementation. Without this, the gap between norms and practices will persist, and worker protection will be difficult to fully realize.

Keywords: PKWT, outsourcing, state responsibility, supervision, worker protection



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INTRODUCTION

The shift in Indonesia's employment policy in recent years reflects a clear trend towards greater flexibility in employment relations. Fixed-Time Work Agreement (PKWT) schemes and outsourcing practices are becoming increasingly dominant, especially in sectors that demand cost efficiency and rapid adaptation to market dynamics. Normatively, these changes have been responded to through various legal instruments that seek to balance the interests of the business world and labor protection. However, problems arise when the norms formulated are not fully proportional to the practice in the field. Workers' rights, including the compensation they should receive in the PKWT employment relationship, are often not fully realized, creating tensions between what should be the case (*Das Sollen*) and what actually happened (*Das Sein*) (Government Regulation Number 35 of 2021 concerning Fixed-Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment, 2021).

If you look more deeply, the problem is not only related to individual violations by business actors but also touches on a more structural aspect: namely, how the state positions itself within increasingly complex labor relations. Within the framework of the modern state of law, it is not enough for the state to act only as a norm-setter; it must also ensure that the norm actually works. Jimly Asshiddiqie emphasized that the state has a constitutional obligation to ensure the fulfillment of citizens' rights, including socio-economic rights such as labor protection (Asshiddiqie, 2016). When norms are available but fail to translate into practice, the problems that arise are no longer just technical implementation issues but also touch on the legitimacy of the state's role itself.

Complexity is increasingly evident in outsourcing practices that form indirect working relationships between workers and labor users. In relationships involving more than one entity, the boundaries of responsibility often become blurred. Workers are not fully protected because responsibilities can be shared between the service provider and the user company. This condition is not just an anomaly, but a recurring pattern in employment practices. Pratiwi and Andani, in their research, show that outsourcing workers often face unclear legal protection due to the structure of the employment relationship, which does not provide certainty about the responsible party (Pratiwi & Andani, 2022). In this context, the issue of protection can no longer be understood as a case-by-case issue, but as a systemic issue.

This problem becomes even more pressing when it is linked to the fulfillment of compensation rights for PKWT workers. Normatively, this right has been clearly regulated by regulations, even with a relatively strict formula. However, in practice, not a few workers do not receive the compensation they should, either because they are not paid, paid late, or not paid in accordance with the provisions. Destiana and colleagues, in their study of security workers, found that the implementation of compensation payments is far from ideal, even though the legal norms are explicitly available (Destiana et al., 2024). This shows that the existence of norms does not automatically guarantee the fulfillment of rights, so the problems that arise need to be viewed more critically.

From the perspective of legal theory, these conditions indicate that the law is still operating at the formal level but has not yet fully reached the substantive level of protection. Satjipto Rahardjo reminded that the law should not stop at text, but must be able to bring real justice to people's lives (Rahardjo, 2010). If it relates to the issue of PKWT and outsourcing, the existence of rules on compensation should be seen not only as a normative obligation but also as an instrument to ensure effective protection. When norms are not adequately implemented, the law loses its effectiveness as a means of protection.

On the other hand, this problem cannot be separated from the state's weak supervision and law enforcement functions. In administrative law, supervision is an important instrument for ensuring that every policy set is actually implemented. However, in labor practice, supervision often operates suboptimally, both due to the limitations of the apparatus and to the infirmity of sanctions enforcement. Hadjon and Djatmiati emphasized that without effective supervision, legal norms tend to become formalities that do not have coercive force (Hadjon & Djatmiati, 2018). In this context, the weakness of supervision contributes directly to the suboptimal protection of workers.

Interestingly, some comparative approaches suggest that this problem can actually be addressed through a clearer design of responsibility. In a given legal system, the concept of shared responsibility or *joint liability* is used to ensure that workers remain accountable, regardless of the complexity of the employment relationship. Christina and Gunadi point out that this approach is able to provide more effective protection for outsourced workers in several countries (Christina & Gunadi, 2025). When compared to Indonesia, it can be seen that the problem faced is not only in

weak implementation but also in the system's design, which has not fully anticipated the complexity of modern working relationships.

Based on the overall description, the issue of protecting PKWT workers in the outsourcing system can no longer be understood solely as a normative compliance issue but must be seen as a structural problem related to how the state carries out its functions and responsibilities. When legal norms are formulated clearly enough but, in practice, they are unable to guarantee the fulfillment of workers' rights, the problems that arise shift from the technical realm to the conceptual realm. At this point, the question that becomes relevant is not only whether the rules have been broken, but also how the state positions itself to ensure the effectiveness of such protections. Therefore, this research is directed at answering two main issues: how the state is responsible for ensuring the fulfillment of PKWT workers' compensation rights in the outsourcing system, and the extent to which the supervision and law enforcement carried out are able to bridge the gap between norms and practices.

On the other hand, this study also seeks to offer a more critical perspective by situating this issue within a broader framework, namely the tendency toward a gap between normative recognition and the actual protection received by workers. In contrast to previous studies that tended to stop at analyzing compliance or norm validity, this study highlights the fragmentation of responsibilities in the outsourcing system, which has implications for weakening workers' position. Thus, the novelty lies in reading this problem as part of the failure of the design of state responsibility in the context of modern labor relations, rather than merely as an implementation problem. This approach is expected to make a sharper contribution to understanding the limitations of the employment law system, while opening up space for the formulation of protection models that are more responsive to the complexities of contemporary employment relations.

The current body of literature demonstrates that legal protection for PKWT workers and outsourced labor has become an increasingly important issue following the enactment of the Job Creation Law and Government Regulation No. 35 of 2021. Previous studies have primarily focused on the normative legitimacy of compensation rights, legal certainty, and the implementation of labor regulations. Research by Lestari (2022), Destiana et al. (2024), and Maryono & Markoni (2023) confirms that compensation rights are legally recognized, yet implementation remains inconsistent. Meanwhile, studies by Pratiwi & Andani (2022) and Putra

& Yustiawan (2025) highlight the vulnerability of outsourced workers due to unclear legal protection and employment relationships. Comparative research by Christina and Gunadi (2025) further suggests that joint-liability approaches adopted in other jurisdictions provide stronger worker protection mechanisms. However, most existing studies remain concentrated on legal compliance and normative analysis rather than examining the broader institutional role of the state.

Despite extensive discussion of PKWT compensation and worker protection, there remains limited research examining worker-rights fulfillment from the perspective of state responsibility as a constitutional and governance obligation. Previous studies tend to focus on legal norms, employer compliance, or worker protection mechanisms without critically exploring how fragmented responsibilities among outsourcing actors, weak supervision, and ineffective law enforcement collectively undermine the realization of workers' rights. Moreover, the structural relationship between regulatory design and protection failure remains underexplored. Thus, there is a significant gap in understanding how the state's supervisory and enforcement functions influence the effectiveness of labor protection in contemporary outsourcing arrangements.

This study contributes to the labor-law literature by developing a state-responsibility framework to analyze the protection of PKWT workers in outsourcing systems. Unlike previous studies that primarily focus on legal compliance and normative protection, this research conceptualizes worker-rights violations as resulting from fragmented responsibility structures, weak supervisory mechanisms, and ineffective law enforcement. The study, therefore, offers a governance-based perspective that bridges the gap between legal norms and practical outcomes for protection in contemporary labor relations.

LITERATURE REVIEW

If we start from the most basic question, "where is the country actually present in the labor issue?", the answer is not as simple as "in the law". The state is indeed present through rules, but the real measure is not there. What is more important is whether the rule is truly felt in workers' daily lives. Within the framework of the state of law, the state is not just to make but must ensure that what is created works. Jimly Asshiddiqie once emphasized that the rule of law should not stop at formalities but must be able to guarantee citizens' rights in real terms (Asshiddiqie, 2016). At this point, the problem becomes clear: when workers' rights are regulated but still not upheld, what

should be questioned is not only the business actors but also how the state carries out its role. Mahfud MD even sees the law as a policy tool intended to bridge constitutional goals and social reality (Mahfud, M.D.. If the bridge does not work, it means that there is a problem in the way the state manages the law itself.

When the issue of workers, especially in the PKWT and outsourcing schemes, is raised, the situation becomes more sensitive because what is at stake is not only the employment relationship but survival. Workers in this position often have few options, so their working relationships tend to be uneven. In such conditions, the law should not be neutral. Satjipto Rahardjo has long reminded that the law must be on the side of the weak, not just maintaining formal order (Rahardjo, 2010). If protection stops at the text of the law, even when workers still do not receive their rights, then the law is failing to perform its basic function. So the question is not just "rules exist or not", but whether those rules really protect.

Another often-overlooked issue is supervision. Many consider this a technical matter, but this is precisely where the law is tested. Without supervision, the rules will only be written that have no coercion. Hadjon and Djatmiati put supervision as an important part of administrative law that ensures all parties stay within the legal path (Hadjon & Djatmiati, 2018). But in employment practice, supervision is often not felt. Violations occur repeatedly, sanctions are not firm, and finally, workers bear the consequences. If the situation is like this, it is difficult to say that the state is really present.

Then, if you look at the structure of the working relationship, outsourcing does bring its own problems. The relationship is indirect, involving more than one party, and that's where problems start to arise. Workers work for one company, but are administratively tied to another. In such conditions, when rights are not fulfilled, the simplest question becomes difficult to answer: who is responsible? Soepomo once emphasized that employment relations must provide certainty for workers (Soepomo, 2017). But in outsourcing, that certainty is blurred. What happened was that responsibility was thrown back and forth, and workers were in the weakest position.

If you look at previous studies, actually, this problem has often arisen. Lestari pointed out that, as a rule, PKWT's compensation rights have been clearly regulated (Lestari, 2022). But once it got into practice, the story changed. Maryono and Markoni found that in an outsourcing system, the implementation of compensation often does not go as it should (Maryono & Markoni, 2023).

Even Putra and Yustiawan note that the protection of outsourcing workers still leaves considerable uncertainty, especially regarding legal responsibility (Putra & Yustiawan, 2025). So, actually, we don't lack rules; the problem is how those rules work.

Other studies have also corroborated this picture from a different side. Prasetyo highlighted the importance of fairness for PKWT workers, especially when contracts are terminated prematurely (Promise, 2025). Meanwhile, Rejeki and colleagues see that legal protection for PKWT workers is still weak at the implementation level (Fortune et al., 2025). Novyaningsih and Arpangi even assessed that the existing compensation policy is still difficult to implement consistently in the field (Novyaningsih & Arpangi, 2025). When all these findings are read together, the pattern that emerges is clear: rules exist, but they don't really work.

This is where the problem lies, which is often not directly touched. Many studies stop at the conclusion that "implementation is not optimal". But few ask further: why is it not optimal? In the context of outsourcing, the answer cannot be separated from the way responsibility itself is designed. When responsibility is unclear from the start, then violations become almost inevitable. At this point, the problem is no longer just a matter of compliance but of the design of the law itself. Therefore, this study seeks to examine this problem from a different angle by positioning it as part of the state's responsibility that has not yet been fully implemented, not just as a problem of implementation in the field.

RESEARCH METHODS

This research was conducted using a normative legal approach, focusing on how the law regulates and protects PKWT workers in the outsourcing system. This methodological choice is justified by the nature of the problem, which not only reveals violations in the field but also how the law is formulated and applied. In other words, what is meant to be tested is not merely the existence of rules, but whether they can actually work as intended.

For this reason, this study employs two main approaches: the legislative and conceptual approaches. The legislative approach is used to explore the legal framework governing employment relations, PKWT compensation, and outsourcing systems under various labor regulations. Meanwhile, a conceptual approach is used to analyze problems from a theoretical perspective, particularly those related to state responsibility, legal protection, and supervisory

functions in administrative law. Through these two approaches, the analysis does not stop at the legal text but also seeks to understand the regulation's meaning and direction.

The legal materials used are primary, in the form of laws and regulations, and secondary, in the form of books and journal articles, related to the research topics. All of these materials are not only listed in the reference list but also used to build a complete argument about the problem being studied. Thus, this research not only provides a prescription but also seeks to connect the relationship between norms, theories, and reality.

This analysis is qualitative (interpretive and drawing the linkages between the collected legal materials). This is done by reasoning that moves from broader norms to more specific problems, so that discrepancies between rules and practices can be seen. In this way, the study not only explains the existing conditions but also seeks to read the problem more critically, especially by examining the figure of state responsibility in implementing protections for PKWT workers within the outsourcing system.

RESULTS AND DISCUSSION

State Responsibility in Fulfilling PKWT Rights and Compensation

If we look at it from the perspective of rules, it is difficult to say that the state is not present in the issue of PKWT worker protection. Various provisions have been drafted, ranging from laws to implementing regulations, that explicitly regulate workers' rights, including compensation. In fact, the formula is quite clear and leaves little room for interpretation. However, the problem arises when the rule is put into practice. The rights that workers should have received are often not realized as they should be, as if existing norms stop at the regulatory level without actually reaching implementation (Law Number 6 of 2023 concerning the Stipulation of Perppu Number 2 of 2022 concerning Job Creation into Law, 2023).

At this point, it becomes important to distinguish between the normative presence of the state and its functional presence. The state has indeed fulfilled its role as a regulator, but has not fully fulfilled its function as a guarantor of the fulfillment of rights. Within the framework of the state of law, the role of the state does not stop at the formation of norms but also includes the obligation to ensure that the norms function effectively. Jimly Asshiddiqie emphasized that the

state must be present in the form of real protection, not just formal recognition of rights (Asshiddiqie, 2016). When the protection is not felt, the existence of norms loses its meaning.

This problem is increasingly observed when it is associated with the practice of compensating PKWT workers. Normatively, these rights have been regulated in quite detail, even with a formula that can be clearly calculated. However, in practice, not a few workers do not fully accept their rights. Lestari, in his study, showed that juridically, the basis for providing compensation is quite strong, but its implementation still faces various obstacles (Lestari, 2022). This means the problem that arises is no longer at the level of the norm, but in how the norm is implemented and supervised.

In such a situation, the state's responsibility cannot be limited to being just a rule-maker. The state should take a position as an actor to ensure that every regulated right is fully upheld. Mahfud MD sees that the law must be able to bridge the gap between constitutional goals and social reality, so that there is no gap between the two (Mahfud, M.D, 2019). However, in the context of PKWT and outsourcing, the bridge does not seem to be working well. The state is present in the text, but not yet fully present in practice.

If taken further, this condition shows a tendency for states to stop at what can be called *regulatory compliance*, which is simply to ensure that rules have been made. In fact, worker protection demands more than that. Without a mechanism to ensure implementation, the rules are just a framework with no coercive power. In this context, the state's responsibility has not been fully realized, as there remains a gap between established norms and the protection experienced by workers.

Fragmentation of Responsibilities in the Outsourcing System

If the problem in the previous section shows that the state is not fully functional, then at this point the problem becomes more specific: it is not just a question of implementation but of how responsibility itself is formed in the first place. The outsourcing system, with all the flexibility it offers, at the same time opens up a fairly serious space of ambiguity. Workers are in one work system, but are administratively bound to the other party. In a situation like this, the simplest question, "Who's responsible?" becomes difficult to answer. This is where it becomes clear that the problem does not stop at the violation but has touched the design of the legal relationship itself.

Normatively, labor law has regulated employment relations, including in the context of PKWT and outsourcing (Law Number 13 of 2003 concerning Manpower, 2003). However, these arrangements have not fully addressed the complexity of the relationships that occur in the field. Service providers and user companies are both in the same employment chain, but the responsibilities inherent in each party are not always clearly defined. Pratiwi and Andani point out that in outsourcing practices in Indonesia, workers are often in an unclear position because legal responsibilities can shift between the parties (Pratiwi & Andani, 2022). This indicates that the existing system has not provided sufficient certainty for workers.

The problem becomes more real when workers' rights are violated, such as non-payment of PKWT compensation. Under such conditions, each party tends to shift responsibility onto the other, on the grounds that the obligation lies with the other party. A service provider may argue that the financial burden falls on the user, while the user company may assume that the employment relationship is not with them directly. Maryono and Markoni, in their study, found that this kind of practice is not uncommon, especially in outsourcing work relationships that involve many parties (Maryono & Markoni, 2023). As a result, workers are in a position that is not only weak but also lacks certainty about who should be held accountable.

From a more conceptual perspective, this condition reveals the fragmentation of responsibilities within the outsourcing system. Responsibilities that should be clear are actually divided and scattered, so that no one party really bears them in full. In labor relations theory, clarity about the responsible party is a fundamental element in protecting workers. Soepomo emphasized that the employment relationship must provide certainty regarding the rights and obligations of each party (Soepomo, 2017). When this certainty is absent, what results is not only legal ambiguity but also the potential for systematic avoidance of responsibility.

Compared with approaches in other countries, this problem can be overcome through a more assertive design of responsibilities. In some legal systems, the concept of *joint liability* which allows more than one party to be held jointly accountable for violations of workers' rights. This approach not only provides certainty for workers but also closes the space for the practice of throwing responsibilities at each other. Christina and Gunadi showed that the application of this principle in other countries can provide more effective protection in the outsourcing system

(Christina & Gunadi, 2025). This shows that the problem faced in Indonesia lies not only in implementation but also in how responsibility is designed.

From this, it can be seen that the fragmentation of responsibility is not a technical problem, but a structural problem rooted in the design of the law itself. When the system is built without clarity on who should be primarily responsible, violations become difficult to prevent. In this context, the state can no longer be positioned only as a supervisor, but also as a party responsible for how the system is formed. Therefore, the issue of worker protection in the outsourcing system needs to be understood as the result of a responsibility design that cannot fully guarantee legal certainty for workers.

Supervision of Employment Practices, Enforcement Functions, and Dysfunction

If you look at what is really happening in the field, the issue of worker protection does not hinge on the existence or absence of rules. Much more decisive is whether there is any oversight going on and whether violations are actually acted upon. In many cases of PKWT, especially regarding the right to compensation, violations do not always occur because norms are lacking, but because there is not a strong enough incentive to comply. In situations like this, the law remains, but it does not always work as a coercive tool.

From the perspective of administrative law, supervision is supposed to be a space where the state has a real presence. Not only through rules, but through actions that can be felt. But in practice, supervision often does not run consistently. In some cases, violations that have actually been observed are not adequately addressed. Hadjon and Djatmiati emphasized that without effective supervision, the law has the potential to stop at mere formalities (Hadjon & Djatmiati, 2018). This condition helps explain why violations can continue to recur without meaningful changes.

The problem then continued to law enforcement. When violations are discovered, the response provided is not always strong enough to encourage compliance. Administrative sanctions are available, but in practice, they often only stop at reprimands. In the long run, this creates the perception that the violation carries no serious consequences. Rejeki and colleagues show that weak law enforcement is one of the factors that causes the protection of PKWT workers to not run

optimally (Fortune et al., 2025). That is, the problem is not the absence of instruments, but how the instruments are run.

On the other hand, the limited number of labor supervisors is also a problem that cannot be ignored. With a large surveillance space, not all violations are affordable. As a result, supervision tends to run partially, rather than as a whole system. Under these conditions, the law is not uniformly present but appears only in certain situations. This ultimately opens up space for practices that ignore workers' rights to continue.

If you look further, this problem lies not only in the supervision or enforcement of the law separately, but also in how the two have not yet worked as a mutually reinforcing mechanism. Supervision alone is not enough to prevent violations, while law enforcement is not firm enough to serve as a deterrent. Under these conditions, the law remains in effect, but it does not function as expected.

From this, it can be seen that the issue of protecting PKWT workers in the outsourcing system is inseparable from how the state carries out its supervisory functions. As long as supervision has not been consistent and law enforcement has not been carried out firmly, violations will continue. Therefore, the discussion of worker protection does not stop at the norm; it is necessary to examine how the state is actually present in practice.

If taken further, this condition not only reveals weaknesses in supervision or law enforcement but also shows that there are more fundamental problems in how the state carries out its role. Norms are already in place, even quite clear, but they are not fully capable of guaranteeing real protection for workers. At this point, there is a kind of distance between what the law promises and what is actually perceived in practice. This distance is not just a technical issue but shows that the protection provided remains at the formal level, not yet fully engaging with the substantive aspect.

In this context, the issue of protecting PKWT workers in the outsourcing system can be seen as a reflection of the state's incomplete responsibility in guaranteeing workers' rights. The state is present through regulations, but this presence has not been fully supported by a mechanism capable of ensuring consistent implementation. As a result, workers remain in vulnerable positions, even though normatively their rights have been recognized. This condition shows that the problem

faced is not only related to violations at the practical level but also concerns how the legal system itself works to bridge the gap between norms and reality.

The novelty of this study lies in its reconstruction of the issue of PKWT worker protection as a problem of state responsibility design rather than merely a matter of legal compliance or implementation failure. This research introduces the concept of fragmented responsibility in outsourcing systems, demonstrating how unclear accountability among service providers, user companies, and regulatory institutions creates legal uncertainty and weakens worker protection. Furthermore, the study integrates labor-law analysis with administrative-law perspectives by linking worker-rights fulfillment to the effectiveness of state supervision and law enforcement. Consequently, the research offers a new analytical framework that positions worker protection as a function of governance capacity and institutional accountability within modern labor relations

State of the Art (Previous Studies)	Research Gap	Novelty
Previous studies have examined the legal protection of PKWT workers and the implementation of compensation rights under the Job Creation Law framework (Lestari, 2022; Destiana et al., 2024).	Existing studies mainly focus on normative compliance and the legal validity of compensation provisions, without critically examining the role of the state in ensuring their implementation.	This study develops a state-responsibility perspective by analyzing how the state functions not only as a regulator but also as a guarantor of workers' rights fulfillment in outsourcing employment relations.
Research by Pratiwi & Andani (2022) and Putra & Yustiawan (2025) discusses legal protection issues faced by outsourced workers.	These studies generally identify protection weaknesses but do not explain how fragmented responsibility among outsourcing actors contributes to ineffective worker protection.	This study introduces the concept of fragmentation of responsibility as a structural factor causing uncertainty in the fulfillment of PKWT workers' compensation rights.
Maryono & Markoni (2023) analyze compensation implementation in outsourcing companies and identify recurring non-compliance issues.	The literature tends to describe implementation failures without exploring the institutional and governance dimensions behind such failures.	This research connects compensation-right violations with deficiencies in state supervision and enforcement mechanisms, providing a governance-oriented analysis.

State of the Art (Previous Studies)	Research Gap	Novelty
Comparative studies (Christina & Gunadi, 2025) discuss joint liability principles in several countries to protect outsourced workers.	There remains limited discussion on how comparative responsibility models can reveal weaknesses in Indonesia's current labor-law structure.	This article critically evaluates Indonesia's outsourcing responsibility framework and proposes that the problem is rooted in legal-system design rather than merely in practical implementation failures.
Studies on labor supervision generally emphasize administrative monitoring and sanctions.	Little attention has been paid to the relationship between supervision dysfunction, law-enforcement weakness, and the effectiveness of workers' rights protection.	This study develops an integrated analytical framework linking state responsibility, supervisory effectiveness, law enforcement, and worker protection outcomes.

Table 1. State of art, Research Gap and Novelty

CONCLUSIONS

From the discussion, it is clear that the problem of protecting PKWT workers in the outsourcing system does not lie in the absence of norms, but in how these norms are implemented in practice. The state has provided a legal framework that regulates workers' rights, including compensation, but the existence of these rules does not fully guarantee their actual fulfillment. In this context, state responsibility still tends to stop at the regulatory level, not yet fully embodied in effective and consistent protection.

This condition is further strengthened by the fragmentation of responsibilities in the outsourcing system. Employment relationships involving more than one party create ambiguity about who should bear the obligations directly. As a result, when a breach occurs, responsibility becomes dispersed and is not fully borne by any one party. This situation ultimately leaves workers in a position that is not only weak but also uncertain about access to legal protections.

On the other hand, the supervision and law enforcement functions have not been running optimally to close these gaps. Inconsistent supervision and law enforcement that fail to provide a

deterrent effect cause violations of workers' rights to recur. Under these conditions, the law is still present as a norm, but it has not fully worked as an instrument of protection. This shows that the issue of protecting PKWT workers is not only about compliance but also about how the state carries out its functions of supervision and law enforcement in their entirety.

Thus, it can be understood that the protection of PKWT workers in the outsourcing system still faces structural limitations. The state has been present through regulations, but has not been able to ensure that these protections are effective. This gap between norms and practices is ultimately a crucial point in revisiting the state's role in guaranteeing workers' rights.

Recommendations

Based on these findings, more targeted steps are needed to strengthen the effectiveness of PKWT worker protection, especially in bridging the gap between norms and practices. One step to consider is reaffirming the division of responsibilities in the outsourcing system, so there is no room for mutual avoidance of obligations between the parties. This clarity is important to ensure that workers have a party who can be held accountable.

In addition, strengthening the supervisory function needs to be carried out more systematically and sustainably. It is not enough to carry out supervision only administratively, but it must be able to reach practices that occur in real life in the field. This needs to be followed by more consistent law enforcement, so that the sanctions given are not only formal but also have the impetus to create compliance.

In addition, efforts are needed to build stronger linkages between the supervision and law enforcement mechanisms, so that the two do not operate independently. With this integration, the law is not only a norm but also a system that works effectively. In the end, this strengthening is expected to encourage the creation of worker protections that are not only recognized normatively but also felt in practice.

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