

Legal Protection for Persons with Disabilities Due to Work Accidents After the Job Creation Law

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Article	Abstract
<p>Keywords: Disabilities; Job Creation Law; Legal Protection; Work Accidents</p> <p>Article History Received: Jun 24, 2023; Reviewed: Sep 26, 2023; Accepted: Dec 13, 2023; Published: Dec 15, 2023.</p>	<p>The legislative controversy over the Job Creation Law and its dynamics reached Law no. 6/2023 produces problematic norms. One of the problematic norms in the Employment cluster is Article 154A paragraph (1) letter m of the Law No. 6/2023 which regulates termination of employment if a worker experiences prolonged illness or disability due to a work accident. This article aims to review the conflict between these norms and other norms as well as legal protection measures for workers with disabilities due to work accidents. The research method used is normative legal research with a statutory and conceptual approach. The research results found that Article 154A paragraph (1) letter m of the Law No. 6/2023 conflicts or is disharmonious internally, horizontally and vertically with other regulations, such as the Employment Law (Law No. 13/2003), the Law on Persons with Disabilities (Law No. 8/2016), to the Indonesia Constitution 1945. The legal protection that can be carried out is first by making existing changes to the norms a quo and more repressive protection will probably be carried out because this regulation has come into effect, such as assistance, advocacy and providing free legal aid to workers with disabilities resulting from work accidents who have had their employment terminated.</p>



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Introduction

Issuance of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation which was then stipulated based on Law Number 6 of 2023 concerning Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation Becoming Law (Law No. 6/2023), marking the return of the Omnibus Law Job

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Creation regime following Law Number 11 of 2020 concerning Job Creation (Job Creation Law) after being declared unconstitutional by the Constitutional Court through Decision Number 91/PUU-XVIII/2020 on 25 November 2021 (Putra & Sujatmiko, 2022). Apart from the controversy over Law No. 6/2023, in terms of formality and substance, these regulations remain the same as the Job Creation Law (Hipan & Bidahu, 2023). One of the studies discussed in this article is that employment provisions are considered unfriendly to people with disabilities. A person who experiences memory, sensory, physical or intellectual limitations from birth or due to an accident at work can be said to be a person with a disability, the term disability itself has been recognized internationally (Barid, et.al., 2022). The definition of persons with disabilities is based on Article 1 point 1 of Law No. 8 of 2016 concerning Persons with Disabilities, are persons with disabilities are any person who experiences physical, intellectual, mental and/or sensory limitations for a long time in interacting with the environment may experience obstacles and difficulties to participate fully and effectively with other citizens based on equal rights.

The existence of persons with disabilities who are still marginalized and underestimated by some Indonesian people is one of the biggest obstacles for them to get a job (Widjaja, et.al., 2020). With the limitations they have, people with disabilities must also face injustice from the issuance of Article 154A paragraph (1) letter m Law No. 6/2023 which states that employment termination can occur because "Workers/laborers experience prolonged illness or disability as a result of a work accident and are unable to carry out their work after exceeding the 12 (twelve) month limit". This provision has amended Article 172 of Law Number 13 of 2003 concerning Employment (Law No. 13/2003) which reads "Workers/laborers experiencing prolonged illness or disability as a result of a work accident and unable to carry out their work after exceeding the 12 (twelve) month limit may apply for termination of employment".

The removal of the word "can apply" in Law No. 6/2023 has implication for the transfer of authority to determine Termination of Employment Relation. Provisions for Termination of Employment Relations which which were initially in the hands of workers have now been transferred to authority employer. The legal problem that occurred after that was a conflict of norms between regulations and Article 154A paragraph (1) letter m of Law No. 6/2023, for example regarding Law no. 8 of 2016 concerning Persons with Disabilities (Law No. 8/2016), and other laws and regulations. In fact, norm conflicts occur internally, horizontally and vertically.

Changes in employment provisions following the Job Creation Law (Law No. 6/2023) were accompanied by the issuance of Government Regulation Number 35 of 2021 concerning Specific Time Work Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment Relations (GR No. 35/2021) (Rahmitasari & Hoesin, 2023). In 55 paragraph (2) the GR regulates that "the worker/laborer can apply for termination of employment to the employer because the worker/laborer experiences prolonged illness or is disabled due to a work accident and is unable to carry out his work after passing the 12 (twelve) month limit" (Ramadhan, et.al., 2021).

By adding the phrase "can apply" in the Implementing Regulations it does not have any impact on changes to workers/laborers with disabilities due to work accidents. The addition of the word "can be filed" is like only fooling people and only for people to be calm. With this draft, the fate of workers/laborers is uncertain.

This article has an element of novelty and is different from previous articles. The similarity of this article can be seen with the article written by Hermawan, et.al., entitled "Legal Protection for Outsourced Workers Who Are Dismissed Due to Disability Due to Work Accidents", the similarity lies in the discussion about workers who are disabled due to work accidents (Hermawan, et.al., 2022). The difference lies in the basic analysis. used, the author's article focuses on examining problems after the Job Creation Law. Then with the article by Muhammad Rizky Ramadhan, et.al., entitled "Omnibus Law in Indonesia: Legal Protection of Workers in Employment Contracts", at first glance it looks the same but the fundamental difference lies in the position of the workers, if the article examines contract workers, the author's article reviews people with disabilities (Ramadhan, et.al., 2021). disability resulting from work accidents. Furthermore, with the article by Dewa Gede Sudika Mangku, et.al., entitled "Legal Protection for Persons with Disabilities in Indonesia from a Justice Theory Perspective", the similarity is that they both review disability legal protection, but have different theories and study focus, the author's article criticizes Job Creation Law (Mangku, et.al., 2022).

Furthermore, the writing technique used in compiling this article is to make notes in the form of direct quotations and indirect quotations obtained from various law books or articles related to the specifics that will be discussed in this article. From the description that the author has described above, the Law No. 6/2023 has not resolved crucial problems in society as expected. So, the authors are interested in analyzing, first, why is there a conflict of norms in the Job Creation Law Article 154 of the Employment Cluster with the Law on Persons with Disabilities? And second, what is the Form of

Legal Protection for Persons with Disabilities Due to Work Accidents? This article can contribute to improving regulations for meaningful protection for disabilities after the issuance of the Job Creation Law.

Method

Normative research methods are used to support this article by using legal doctrinal because the output of this article is a solution to the problems found. Normative legal research focuses on the issue of legal norms in a regulation in this article, namely the Job Creation Law or Law no. 6/2023. The approaches used are a statutory approach and a conceptual approach. These approaches are used to analyze the problem of regulating disability due to work accidents after the issuance of the Job Creation Law.

Discussion

1. Norm Conflicts in the Job Creation Law: Losses that Workers with Disabilities Must Experience

As mentioned in the introduction, the polemic about the Job Creation Law or Law No. 6/2023 also has an impact on the community, especially people with disabilities. Article 154A paragraph (1) letter m of the Law No. 6/2023 regulates that termination of employment can occur because workers/laborers experience prolonged illness or disability due to work accidents and are unable to carry out their work after exceeding the 12 (twelve) month limit. This regulation amends Article 172 of the Law No. 13/2003 before it was amended which stipulates that workers/laborers who experience prolonged illness or disability due to a work accident and are unable to carry out their work after exceeding the limit of 12 (twelve) months "can apply" for termination of their employment relationship.

If we observe these changes, the norm in Article 154A paragraph (1) letter m of the Law No. 6/2023 removes the word "can apply". The legal consequence that occurs is the transfer of authority to determine termination of employment. Previously, layoff provisions, which were initially in the hands of workers, became in the hands of employers. This regulation provides injustice to workers/laborers who become disabled due to accidents experienced at work and are then easily laid off.

A follow-up to the issuance of the Job Creation Law in the employment cluster is the issuance of GR No. 35/2021. Article 36 letter m regulates that workers/laborers

whose employment relations can be terminated experience prolonged illness or disability due to work accidents and are unable to carry out their work after the 12 (twelve) month limit has passed. Then proceed with the regulation in Article 22 paragraph (2) that workers/laborers can apply for termination of their employment relationship to employers because the worker/laborer experiences prolonged illness or disability due to a work accident and is unable to carry out their work after the 12 (twelve) month limit has passed (Violetta & Susetyo, 2023).

Norm conflicts can occur between lower regulations and higher regulations (vertical), between equal regulations (horizontal), or even between norms within one regulatory instrument itself (internal) (Ramadhan & Rafiqi, 2021). In comparison, Article 154A paragraph (1) letter m of the Law No. 6/2023 is not harmonious or contradicts Article 11 of Law No. 8/2016. This article regulates that people with disabilities have the right to work without being dismissed for reasons of disability (Article 11 letter d); get a return to work program (Article 11 letter e); fair, proportional and dignified work placement (Article 11 letter f); obtain the opportunity to develop a career path and all the normative rights inherent therein (Article 11 letter g). In this case, the norm conflict occurs at the same level (horizontal) (Hidayah & Budi Santoso, 2022).

If related more broadly, Article 154A paragraph (1) letter m of the Law No. 6/2023 could also potentially conflict with higher (vertical) regulations, for example with Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that everyone has the right to work and receive fair compensation and treatment. fair and decent in working relationships. Apart from that, it also has the potential to conflict with 28I paragraph (2) of the of Indonesia Constitution 1945 which states that every person is free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment. So, there is also the potential for TAP MPR No. III of 2000 concerning the Hierarchy of Legislative Regulations which regulates that in accordance with the order of these Legislative Regulations, any lower legal rules must not conflict with higher legal rules. In simple terms, the following is a picture of the conflict of norms that occurred after the publication of the Law No. 6/2023, especially Article 154 number 1 letter m of the Law No. 6/2023:

Table. 1

Conflict of Job Creation Law Norms in Employment Cluster with Other Regulations

Internal Norm Conflict			
Article 153 paragraph (1) letter j: Employers are prohibited from terminating workers/laborers for reasons of: permanent disability, illness due to a work accident, or illness due to work relations which according to a doctor's certificate and the healing period cannot be ascertained			
Article 153 paragraph (2): Termination of employment carried out for the reasons as intended in paragraph (1) is null and void and the entrepreneur is obliged to re-employ the worker/laborer concerned			
Horizontal Norm Conflict ↔			
Article 11 letter d Law No.8/2016: not dismissed for reasons of disability	Article 11 letter e Law No.8/2016: get the program back to work	Article 11 letter f Law No.8/2016: fair, proportional and dignified work placement	Article 11 letter g of Law No. 8/2016: obtain opportunities to develop career paths and all normative rights inherent therein
Vertical Norm Conflict ↓			
Article 28D paragraph 2 Indonesia Constitution 1945: Everyone has the right to work and receive fair and decent compensation and treatment in employment relationships			
Article 28I paragraph 2 Indonesia Constitution 1945: Every person is free from discriminatory treatment on any basis and has the right to receive protection against such discriminatory treatment			
TAP MPR No. III of 2000 concerning Hierarchy of Legislative Regulations			
The addition of the phrase "can apply" in the Implementing Regulations does not have any impact on workers/laborers with disabilities due to work accidents. The addition of the words "can be submitted" seems to only fool the public and only so that the public can calm down. With this design, the fate of workers/laborers remains uncertain.			

The norms of article 154A paragraph (1) letter m Law No. 6/2023 conflict with other articles internally in the same regulation. The article contradicts Article 153 paragraph 1 letter j and paragraph 2 of the Law No. 6/2023. The phrase in Article 153 paragraph 1 letter j which states that "*the healing period cannot be ascertained*" is different from what is stated in Article 154A number 1 letter m which uses the phrase "*unable to do his job after passing the 12 (twelve) month limit*". Article 153 number 1 letter j means that a business actor or entrepreneur may not terminate the employment relationship of his workers/laborers on the grounds that they are permanently disabled, sick as a result of a work accident, or sick due to work relations which, according to a doctor's certificate, has not yet been cured. can be confirmed. This actually provides a provision for legal protection for workers/laborers with disabilities. However, in the next article, namely

Article 154A number 1 letter m, it reads the opposite, which is contrary to the provisions of Article 153 number 1 letter j Law No. 6/2023.

If we observe, there is no explanation regarding these two articles, so that a different article in the same law (Law No. 6/2023) with the sole purpose of prohibiting termination of employment relations is provided with a clause with a time phrase whose cure cannot be ascertained. Meanwhile, another article allows employers to terminate employment relations with workers/laborers who have experienced prolonged illness or disability due to work accidents and are unable to carry out their work after the 12 (twelve) month limit has passed.

This conflict of norms can occur inseparable from the legislative problems of the Job Creation Law or Law No. 6/2023. There are several things that cause conflicts of legal norms in the Law No. 6/2023, including the process of forming the law being carried out in a short and fast period of time, the sectoral approach in forming legislation is stronger than the system approach, weak coordination in the process of forming regulations Legislation involving various agencies, as well as public access to participate in the process of forming legislative regulations, is still limited (Rafiqi, 2021). As a result, the conflict of norms creates legal certainty for people with disabilities due to work accidents. The conflict of norms that occurs in Law No. 6/2023 article 154A number 1 letter m Employment cluster results in legal uncertainty. If a law cannot provide legal certainty to the parties concerned, the law cannot be said to be a good law.

2. Legal Protection for Persons with Disabilities Due to Work Accidents After Job Creation Law

Indonesia is a country that consists of various layers of society, in society there are various diversity of life and characteristics. No human being is born perfect, the meaning of perfect can be interpreted as complete body or perfect in terms of attitude and behavior (Disantara, 2021). People with disabilities are people who are less fortunate, they experience limitations in carrying out their daily lives either from birth or after, due to work accidents and other things (Wiraputra, 2021).

Termination of employment is nothing new in Indonesia, the reasons for layoffs carried out by companies for workers also vary. In addition to bringing suffering to workers and their families, layoffs can also reduce the standard of living of people in a country because layoffs have a major impact on increasing unemployment (Kasih, et.al., 2021). In this regard, the Government has issued laws and regulations related to termination of employment. The purpose of establishing this regulation is to protect

workers/labor from being terminated by the company where they work, in addition to workers/laborers. difficulties in dealing with economic growth (Wibowo & Herawati, 2021).

If referring to Article 1 number 25 Law No. 13/2003, layoffs are termination of an employment relationship due to a certain matter which results in the end of the rights and obligations between the worker/laborer and the entrepreneur. Termination of employment is the termination of the rights and obligations between the worker/laborer and the entrepreneur due to certain reasons. Termination of employment can also be interpreted as the end of the employment bond because of a certain matter which causes the rights and obligations between the worker/laborer and the entrepreneur to end (Ansow, et.al., 2022).

In United Nations Resolution No. 61/106, the UN stated that persons with disabilities are any person who is unable to guarantee himself in terms of physical or mental abilities from all or some of the needs of individual, social life due to deficiencies they have either because work accidents, road accidents or congenital ones since they were born (Mauludi & Pawestri, 2022). Laws and regulations related to citizens with disabilities have been regulated by the Indonesian government, these regulations are outlined in Law No. 8/2016. In these laws and regulations people with disabilities are defined as everyone who has physical/physical, intellectual, sensory limitations, or mentally for a long time so that interacting with the surrounding environment can experience obstacles and difficulties (Sodiqin, 2021).

Categories of people who are considered persons with disabilities, including: (1) A person with a physical/physical disability is a member of society who has difficulty moving, for example, paralyzed, stiff, amputation, cerebral palsy, paraplegia, stroke, leprosy, and people who are small in stature; (2) Intellectual Disabilities are people whose mental functioning is disturbed due to a below average level of intelligence such as slow learning, down syndrome and mental disabilities; (3) A person with a mental disability is caused by a disturbance in the functioning of thought, behavior and emotions, including; (4) Psychosocial namely schizophrenia, bipolar, depression, anxiety, and personality disorders; (5) Growth disabilities that affect social interaction skills, namely autism and hyperactivity; and (6) A person with a sensory disability is caused by a disturbance or limited function of the five senses, namely the deaf, blind and speech impaired (Panggabean, 2019).

It is hoped that with the enactment of Law No. 8/2016 concerning Persons with Disabilities they will no longer experience discrimination which causes disruption to social life, limits their space for movement, besides that it is also hoped that persons with disabilities will receive the same rights as other Indonesian people who do not have special needs and protect their rights. The rights of persons with disabilities so that they get a decent living (Anomsari & Mursalim, 2020).

However, problems arose as a result of the passage of Job Creation law or Law No. 6/2023. Polemics related to Termination of Employment or Layoffs in the Law No. 6/2023 regarding employment which is considered unfriendly to persons with disabilities. Article 154A paragraph (1) letter m of the Law No. 6/2023 reads termination of employment because the worker/laborer experiences prolonged illness or is disabled as a result of an accident at work and the worker/laborer is unable to carry out his obligations as a worker after exceeding the 12 (twelve) month limit. This provision changes Article 172 of the Law No. 13/2003 which previously read "Workers/laborers who experience prolonged illness, are disabled as a result of work accidents and are unable to carry out their work after exceeding the 12 (twelve) month limit may apply for termination of employment". The loss of the word "can apply" in the article in the Job Creation Law on Employment has implications for the transfer of authority to determine dismissal, which was previously in the hands of workers, to be in the hands of employers. Philosophically, layoffs in the conception of Pancasila industrial relations are things that are highly avoided. As well as conflicting, both internally, horizontally and vertically with various other rules as described in the previous section.

From the discussion that has been discussed, there is a conflict of norms between one law and another, as well as conflicting norms within one rule causing legal uncertainty so that there is a need for legal protection for persons with disabilities so that their rights as workers can be protected and there is a law quo violates the rights of workers with disabilities due to work accidents.

Legal certainty is a guarantee for someone to get justice. Legal norms that are used as the foundation of justice must be strictly obeyed by everyone without exception. Legal certainty has two interpretations, firstly general legal regulations make individuals know what actions may or may not be performed, and secondly in the form of legal security for a person from arbitrary actions by the government (Julyano & Sulistyawan, 2019). Justice and certainty come from law and cannot be separated in any way. According to him, justice and legal certainty must be considered, legal certainty must be

protected for the security and discipline of a country, the goal is to achieve justice and happiness (Fathonah & Kusworo, 2023).

Law instinctively and intrinsically must be certain and fair. The meaning of certain is as a guideline for behavior and fairness because the code of conduct must support an order that is considered reasonable or normal. The law can carry out its function if it is fair and certain. Something that is certain and fair is not just a moral requirement, but can factually characterize a law. Certainty is a certain condition, definite provision or definite provision. A law which is indeterminate and cannot be just is not just a bad law, but it is not law at all (Wahid & Rafiqi, 2022).

Certainty provides clarity in carrying out a legal action. If related to the theory of legal certainty, Article 154A paragraph (1) letter m of the Law No. 6/2023 results in legal uncertainty for elements of society regulated in that article because it is counterproductive and contrary to Law No. 8/2016 Article 11 letter d concerning Persons with Disabilities, the Indonesia Constitution 1945 Article 28D paragraph 2 and Article 28I paragraph 2. Contradictions between one article and another, as happened with Article 154A paragraph (1) letter m of the Law No. 6/2023, result in legal uncertainty.

The legal uncertainty that occurs in Article 154A paragraph (1) letter m of the Law No. 6/2023 concerning Manpower results in; (1) Injustice for workers/laborers who become disabled as a result of accidents at work; (2) legal protection for persons with disabilities due to work accidents is unclear due to disharmony and inconsistency with other laws; (3) the legal uncertainty contained in this article adds to the long list of reasons for layoffs; (4) it is more profitable for employers than for workers/labourers; and (5) the right they have to get fair treatment cannot be realized.

The law is present in the midst of society with the aim of regulating the pattern of life and harmonizing society so that the interests of members of society do not clash with one another. The presence of law in the midst of society will be useless if the people themselves do not obey the law, but the law must also be able to meet the needs of the community, integrate the wishes of the community so that conflicts or disputes in the community can be resolved as well as possible. Society is a legal subject, law has a role to protect legal subjects, besides that legal protection is created as a forum to regulate the rights and obligations of legal subject communities (Abil, et.al., 2022).

Legal protection is protection that is given free of charge to humans as a dignity, in addition to that human rights that are owned by all legal subjects must be recognized

and set forth in a regulation based on rules and norms so that it is expected that rules and norms can protect our dignity as human beings. Legal protection is protection of dignity, as well as recognition of human rights owned by legal subjects (Mangku, et.al., 2022). As citizens, workers/laborers are also obliged to receive legal protection, so that the concepts of the state of *rechtsstaat* law and the very rule of law which are very influential for law in Indonesia can be carried out properly as they should. Order and peace in society is a manifestation of legal protection, so that if order and peace in society can be perfectly realized, people can enjoy their wealth and dignity as human beings. Legal protection given to the people is an effort to protect society from the arbitrary actions of the authorities. legal protection is an activity to provide protection to citizens without exception, the protection provided is in the form of a law which contains basic values and rules to regulate order in society itself (Marbun, et.al.,2022).

According to western history, the principle of legal protection against actions taken by the government rests on and originates from the concept of recognizing and protecting human rights. The ideology and philosophy of the Unitary State of the Republic of Indonesia is Pancasila because Pancasila is used as the basis for formulating the principles of legal protection in Indonesia (Rafiqi, 2023). The concept of legal protection for people in the Western world originates from the concepts of *Rechtstaat* and the Rule of The Law, the birth of concepts regarding the recognition and protection of human rights directed at the limits of the government in managing its people. The framework of thinking based on Pancasila is taken from the concept of thinking of people in the western part of the world, Pancasila is used as a principle of protection for human dignity, this principle is poured into a concept of legal protection. Legal protection for an action taken by the government originates from and rests on the recognition and protection of human rights (Dimiyati, et.al., 2021).

According to Philipus M. Hadjon, there are two types of legal protection facilities, namely. Preventive legal protection, legal protection provides legal subjects with the opportunity to submit objections or opinions before the government's decision is passed. The purpose of this legal protection is to protect the public from arbitrary acts committed by the government and so that the government can be careful in making decisions. It can be said that this preventive legal protection is needed by the community. However, in Indonesia there is no specific regulation regarding preventive legal protection. Then, repressive legal protection. Repressive legal protection aims to resolve disputes committed by the government to the people. There are two concepts of repressive legal

protection. The first legal protection uses the principle of recognition and protection of human rights, the second principle is the principle of the rule of law which underlies legal protection against acts of government. The settlement is carried out by the General Court and the Administrative Court (Hadjon, 2007).

Legal protection facilities can naturally be implied in the making of laws and regulations because repressive legal protection is related to the protection of human rights. In addition, the law may not be implemented only for some people but must be comprehensive for all levels of society without exception. Governments in various countries in making a rule cause all people to obey and obey these regulations (Masnun, 2018).

Article 154A paragraph (1) letter m of the Law No. 6/2023 concerning Employment Workers/laborers who experience prolonged illness or disability as a result of work accidents and are unable to work after the 12-month limit may be terminated. Termination of employment by the company for this reason is seen as very discriminatory and very detrimental to persons with disabilities. From this article, it can be seen that there is no clarity about what kind of persons with disabilities can be laid off. This article takes an example if a worker/laborer works in a tobacco company and his work requires skill with his hands, but the worker experiences a work accident such as a tool he uses for work falling and causing his leg to be amputated so that the worker/laborer is declared disabled. Under these conditions, will the worker/laborer still be laid off? In the absence of clarity regarding the criteria for persons with disabilities, the rights/human rights possessed by workers/laborers are not fulfilled.

Rights are one of the elements of the rule of law concept, human rights are basically something that humans have from birth or basic rights that humans have as individual creatures. Those fundamental rights, which empower human beings to shape their lives in accordance with liberty, equality, and respect for human dignity. Human rights are fundamental rights, so that their existence cannot be contested, these rights should be considered and protected. Human rights are legal rights that each person has as a human being. These rights are general in nature and belong to everyone, whether rich or poor, male or female (Ramadhan & Rafiqi, 2022).

National constitutions and laws in all countries in the world are competing to protect human rights. Law 39 of 1999 concerning Human Rights is a tribute to humans as part of God's creations. Its legal basis is the Indonesia Constitution 1945, Decree of the People's Consultative Assembly Number XVII/MPR/1998 concerning Human Rights.

Human rights are basic rights or basic rights that humans have received since birth as a gift from God Almighty, so human rights must be respected, protected and upheld by the state, government and everyone because these rights are universal and eternal. Human rights exist not because they are caused by society or by the state, but are based on their dignity as human beings. Recognition of the existence of humans as living creatures created by God Almighty, deserves positive appreciation.

Based on this description, it can be said that human rights are basic rights or basic human rights that are acquired from birth, so they must be respected and protected by the government, the state and everyone, including persons with disabilities. Human rights should be respected and protected by the state by issuing a law (Tobing, et.al., 2023).

The drafting of the Job Creation Law or Law No. 6/2023 uses wrong logic because it clearly only aims to increase investment and ease of doing business. A logic of flexibility and convenience in business that does not pay attention to the sociological and empirical relationship between entrepreneurs/investors and workers. Apart from that, the Law No. 6/2023 is also considered to violate the human rights of workers/laborers. In the amendment to Article 151 paragraph 2 concerning termination of employment relations, it is stated that it opens up the opportunity for employers to carry out layoffs through notification. Although it is possible for workers to carry out bipartite negotiations and the Industrial Relations Dispute Settlement mechanism if workers refuse to be laid off, in reality refusing to be laid off is not an easy thing for workers to do.

Seeing the many shortcomings and weaknesses in the Law No. 6/2023 on Employment for persons with disabilities, there needs to be clarity in the Law on persons with disabilities with what criteria layoffs can be carried out and provide legal protection by reconstructing these conflicting laws and regulations. with an open process to protect the rights of workers, especially persons with disabilities because they are vulnerable to human rights violations. Legal protection is an effort to protect one's interests by allocating human rights to protect society.

Conclusion

In conclusion, the controversy over the legislative process of the Job Creation Law and its dynamics until the emergence of Law no. 6/2023 has proven to be problematic in terms of the resulting norms. One of the problematic norms is Article 154A paragraph

(1) letter m of the Law No. 6/2023 which regulates termination of employment in the event that workers experience prolonged illness or disability due to work accidents and are unable to carry out their work after exceeding the 12 (twelve) month limit. Norm conflicts occur internally, horizontally and vertically as a result of enforcing these rules. Internal norm conflict occurs with Article 153 paragraph (1) letter j and Article 153 paragraph (2), horizontal norm conflict occurs with Law No.8/2016, and vertical norm conflict occurs with Article 28D paragraph 2 and Article 28I paragraph 2 of the 1945 Indonesian Constitution. Regarding this problem, legal protection for people with disabilities due to work accidents after the Job Creation Law can be carried out by changing the current regulations by harmonizing Article 154A paragraph (1) letter m of Law no. 6/2023 regarding the principles of worker protection. Apart from that, more repressive protection will probably be implemented because this regulation has come into effect, such as assistance, advocacy and providing free legal aid to workers with disabilities resulting from work accidents who have had their employment terminated.

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