



Equal Legal Treatment for Employers and Employees from a Theological Perspective

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Abstract

One of the parties in industrial relations is employers and employees. Workers are frequently in a weak position as stakeholders. In truth, there is a legally binding relationship between employers and employees in the form of a work agreement, which necessitates approval prior to execution. The word "master" is frequently used in the Bible to describe the connection between employers and employees, while workers are referred to as "servants." It also clarifies the *census fidei*, or sense of faith, in regard to God's relationship with His church. These stakeholders have a tight bond, with the "master" being the party who performs the labor and the "servant" as the party who receives compensation for their efforts. It is a typical occurrence in today's world, particularly in business partnerships. Wages and termination of employment are generally the source of sensitive issues in the form of disputes between employers and employees. Employees should not be injured, according to the theory, because employers and employees have equal standing under the law. Employees are obligated to seek protection since they rely substantially on their salaries to support their basic requirements and those of their families.

Keywords: *Legal Standing; Industrial Relations; Theology*

Introduction

Employer-employee relationships are a traditional interaction pattern that predates the industrial revolution. At the period, agriculture was the main source of labor at the time, and the landowner was also the business owner. Because the work pattern is governed by specific seasons and working times, such as when to begin farming and when to harvest, the pay obtained by workers are unpredictable, and even low salaries are common.

According to Shamad (Shamad, 2005), there was a considerable shift in manufacturing following the industrial revolution. Mass production lowers production costs quickly, allowing the company to make tremendous profits and expand swiftly. Even though the work pattern has changed, labor is still required. Human labor has begun to be replaced by machines in the form of mechanization.

In the future, mechanization of production will mostly replace human labor, however this is not yet the case. However, because certain new terminology in the third millennium age, such as industrial revolution 4.0, are frequently heard, the process of degrading human power with machines through the mechanization process has already been seen. Because replacing human labor with machines would result in unemployment and poverty, mechanization will be a global problem that must be handled.

The Manpower Law No. 13 of 2003 contains clearer restrictions governing employment interactions. An employment relationship is defined in Article 1 point 15, which states: "*An employment relationship is a relationship between an entrepreneur and a worker/laborer based on a work agreement that includes components of work, wages, and orders.*"

In terms of theology, the professional relationship also has a spiritual and emotional component. According to Drewes and Mojau (Drewes, B.F dan Mojau, 2018)], the term theology derives from the Greek concepts *theos* and *logos*. *Theos* translates as 'God' or 'god,' whereas *logos* translates as 'words/words/discourse.' Thus, the term "theology" refers to "*scientific discourse on God or gods.*" Long before the Christian church, the Greeks used this phrase to designate to the science of divine things.

The theology at issue is one founded on Christian ideals. The working connection is shown in the Bible not only in the New Testament, but also in the pre-millennium, as in the tale of Abraham, who required laborers to carry out God's order of migration to the area indicated by God (Genesis 12:1-5; Genesis 13:7).

Abraham brought a shepherd, a laborer tasked with the responsibility of caring for Abraham's livestock. At first look, we can perceive a working relationship between Abraham as an entrepreneur and a large number of worker shepherds. As such, it is fitting that a pattern of work interactions dates all the way back to ancient times.

Employment interactions also have a position in the human rights framework. The 1945. The aforesaid constitution is also implemented in Law No. 39 of 1999 on Human Rights. Article 38 confirms the following:

1. *Each citizen has the right to decent work, based on their talents, skills, and abilities.*
2. *Everyone has the right to freely choose the work that he or she desires and is also entitled to reasonable working conditions.*
3. *Everyone, men and women alike, who perform the same, comparable, equal, or similar labor has the right to the same remuneration and employment terms.*
4. *Everyone, men and women alike, who perform work commensurate with their human dignity is entitled to a decent salary comparable with their accomplishments and capable of ensuring their family's existence.*

Even though the constitution guarantees workers' rights to fair treatment, many workers are abused, particularly in terms of low wages; even though the Manpower Law guarantees wage protection, companies are forbidden from paying wages less than the minimum rate. This occurs when workers have no other option due to economic constraints, and hence accept the low salaries supplied by employers. However, entrepreneurs must understand that paying wages below the government's minimum wage has legal ramifications, as it is lawful for entrepreneurs to pay wages over the minimum wage.

Along with salaries, the working relationship between employers and employees is primarily based on a Specified Time Work Agreement (PKWT), which is limited to specific jobs and times. Occasionally, there is unjust treatment since workers covered by the PKWT system are viewed as "stepchildren" because they receive different benefits than workers covered by an Indefinite Work Agreement.

Finally, wages and the status of the employment relationship must be resolved through industrial relations disputes to assert workers' rights, where settlement through the industrial relations settlement institution requires a significant amount of time, money, and energy, imposing an enormous burden on workers. Entrepreneurs do not face this issue due to their financial strength, which enables them to finance the case by hiring a lawyer. While workers can also utilize the advocacy services of the company's recognized trade unions, more conflicts must be settled through lengthy and tiresome litigation methods.

Since workers are the first to assert their rights, many businesses are quiet and disinterested. If a win-win solution can be reached, the issue can be handled peacefully and via discourse to establish a consensus. It is more elegant than the above-mentioned method of resolving disagreements through litigation. Although workers and employers are legally equal in terms of the constitution and human rights, concerns of low salaries and discriminatory employment relations continue to decorate the realm of industrial relations today.

Methods

The method utilized in this study is qualitative, as defined by Moleong (Moleong, 2016) as research that creates analytical procedures without the use of statistical analysis or other qualification methods. According to the definition of qualitative research provided above, this research project utilizes library resources. According to Hamzah (Hamzah, 2020), library research consists of four (four) distinct sorts, including the examination of apocalyptic texts, the examination of character thought, the examination of textbooks, and historical studies. As a result, our research will concentrate on apocalyptic texts and textbook analysis. The study of apocalyptic writings is focused on the Christian sacred book, the Bible, whereas textbook analysis is based on a collection of relevant textbooks.

Results and Discussion

The Position of Employers and Workers in Positive Law

Employers and employees' legal positions have been governed by positive law in Law No. 13 of 2003 concerning Manpower, and certain aspects of that Law have been changed by Law No. 11 of 2020 concerning Omnibus Law. Additionally, the Government issued diversification provisions or derivatives of the two laws in the form of Government Regulation 35 of 2021 on Work Agreements for a Specific Period of Time, Outsourcing, Working Time and Rest Time, and Termination of Employment (PHK), as well as Government Regulation 36 of 2021 on Remuneration.

According to Article 1 point 1 of Government Regulation Number 35 of 2021, the employment relationship is defined as the relationship between the Employer and the Worker/Labourer that is established by the Work Agreement, which includes components of work, remuneration, and orders. The employment relationship is composed of four (four) components, namely:

1. A work agreement is an agreement between a worker/labourer and an employer that details the worker's or laborer's working conditions, rights, and responsibilities (Article 1 point 9 Government Regulation Number 35 of 2021).
2. Work. According to Wijayanti (Wijayanti, 2016), work is free as long as it does not violate applicable rules and regulations, decency, or public order. Work can be classified into two types: that which creates products and that which produces services.
3. Wage is the right of the Worker/Labourer to be compensated in money by the entrepreneur for the provision of work to the Worker/Labourer, which is determined and paid in accordance with a

Work Agreement, an agreement, or a statutory regulation, including allowances for the Worker/Labourer and his/her family. Alternatively, a task or service that has been completed or will be completed (Article 1 point 6 of Government Regulation Number 35 of 2021).

4. Orders. According to Wijayanti (Wijayanti, 2016), the employer's role in an employment relationship is as the employer, which means he is both entitled and obligated to make work-related orders. The relationship between employees and employers is a subservient relationship formed between superiors and subordinates (a vertical relationship, namely above and below).

Considering the foregoing, the four factors listed above must be met to establish a working relationship. It is simply that the same legal position is observed when entering into a work agreement within the framework of contract freedom. However, it will be different when workers face wage discrimination. Entrepreneurs who pay workers below the minimum wage may face criminal penalties of up to four years in prison and a minimum fine of one hundred million rupiahs. It is a sanction against employers who pay wages below the government-mandated minimum wage.

Apart from salary violations, there are various types of violations, most notably violations of working hours. Positive law requires that employees work 8 (eight) hours per week for 5 (five) days and 7 (seven) hours per week for 6 (six) days. An order to work longer than the contracted hours without the worker's consent is an obvious infringement, and the violation is worsened when the worker is not compensated for overtime work.

Additionally, there are labor rights that employers do not grant in the event of a wrongful termination (PHK), including the right to severance pay, gratuity for years of service, and compensation. Employers who violate workers' severance pay rights face legal consequences, including a minimum of one year and a maximum of four years in prison, as well as a minimum fine of one hundred million rupiahs and a maximum fine of four hundred million rupiahs, under Article 185 of Law No. 11 of 2020 on Job Creation.

The aforementioned infractions demonstrate that some people still do not regard workers in similar positions to employers; thus, positive legislation has controlled the punishments that companies must accept if they are found to have infringed workers' rights.

Employer-employee disputes are not novel in the world of labor. The projected bipartisan solution is impossible to obtain. Similarly, the settlement through mediation facilitated by a mediator from the manpower office involves time wastage because not all the mediator's recommendations can be implemented by the entrepreneur, as the mediator's recommendation, which is a legal product, is not binding and can only be used as a condition for filing a lawsuit at the Court of Relations. Industrial. The procedural law governing dispute settlement must be consistent with the provisions of Law No. 2 of 2004 on Industrial Relations Dispute Settlement.

The following table summarizes the estimated number of industrial relations cases heard by Industrial Relations Courts in several locations that are hubs for entrepreneurs and workers due to their diverse industrial sector (Putra et al., 2021):

Industrial Relation Courts	Year of 2019	Year of 2020*
IRC Jakarta	397	340
IRC Surabaya	183	132
IRC Medan	416	314
IRC Semarang	83	93
IRC Makassar	28	46

*August 2021

Data sources: Central Jakarta District Court website, Surabaya District Court website, Medan District Court website, Semarang District Court website, and Makassar District Court website.

As can be seen from the table above, resolving issues between employees and employers through non-litigation means, especially through debate without contacting the court, has not proven persuasive. The data shown above indicates a large increase in labor-management disputes.

Particularly considering the current status of the Covid-19 pandemic, there is a lot of news reporting that several business actors have been forced to close their doors due to their entrepreneurs' inability to continue their operations. While some entrepreneurs are eager to compensate their employees for job loss due to the closure of their business, there are other rogue entrepreneurs who refuse to provide severance pay. Even the employees' invitation to bargain was met with hostility. It is a condition that employees encounter.

Employers and Employees in the Light of Theology

Anselm of Canterbury, as quoted in Dister (Dister, 2016), stated that theology is a faith that seeks explanation (*fides quaerens intellectum*). Faith is a human act directed toward God, not toward statements about God. According to Erickson (Erickson, 2014), theology is a field of study that seeks to communicate a logically related statement about the Christian faith's doctrines. This statement is primarily based on the Bible, is contextualized within contemporary culture, is expressed in contemporary language, and is related to contemporary issues, life problems. According to Dister (Dister, 2016), theology can be characterized as a body of objective and critical esoteric knowledge that is methodically, systematically, and coherently structured; this knowledge involves matters considered to be God's revelation or related to that revelation.

Additionally, theology is holistic. We learned about philosophy, law, and sociology in theology. However, theology's goal remains Christ-centered, as the term "master and servant" is frequently referenced by the Lord Jesus in the New Testament (NT), which does not ignore the Old Testament's stories, as the New Testament and the Old Testament are still coherent, not separated from one another.

After establishing an understanding of theology, the paper's substance delves into the central question of entrepreneurs and workers having an equal legal status under the law, as defined by the theological perspective outlined previously. According to Nathaniel and Rachel (Nathaniel, 2020), the overall view of labor cannot be divorced from issues and appears to be an eternal issue, dating all the way back to the Old Testament (OT) era. In the Old Testament, God's people were laborers or slaves who overcame slavery in Egypt under the leadership of the prophet Moses.

Why the Israelites became slaves in Egypt is inextricably linked to the story of Joseph, who became Egypt's ruler at the time. The Israelites were limitless in number; they multiplied fiercely to populate Egypt with Israelites (Exodus 1:7). When Joseph died, Egypt was led by a king who was unaware of Joseph; as a result, the king took steps to prevent the Israelites from increasing in number; as a result, a policy was implemented to subject the Israelites to heavy labor, specifically working with clay and stone brickwork, as well as all types of field work, including any cruel work (Exodus 1:10-14). Thus, the Israelites became slaves as a result of their sheer numbers, which alarmed the Egyptian rulers. At first look, this explains why the Israelites became slaves in Egypt.

The working relationship between employers and employees is depicted in the New Testament (NT), particularly in Matthew 20 verses 1-16. In summary, the parable of the hired laborers in the vineyard is discussed in Matthew 20, verses 1-16. The host required people to work in the vineyard and agreed to pay a penny each day, as reflected in this account. A straightforward instance of this scenario is the host as an entrepreneur who obtains the employees' job, while the workers receive compensation for

their efforts. According to Nathaniel and Rachel (Nathaniel, 2020), the term "wages" originates in the Old Testament from the Hebrew word *cur*, which means to involve, to compensate someone for specific duties. While the ultimate theological message of the story, according to Kent (Kent, 2020), shows that serving Christ will undoubtedly reap rewards, even fidelity in seizing opportunities will reap rewards as well.

Additionally, the Bible encourages workers to be obedient to their employers in job relationships. As Ephesians 6:5-6 explains, "*Slaves, obey your earthly masters with respect and fear, and with sincerity of heart, just as you would obey Christ. Obey them not only to win their favour when their eye is on you, but like slaves of Christ, doing the will of God from your heart.*" Martin (Martin, 2020) responded to the scriptures by stating that a servant Christian must recognize his primary responsibility is to the Lord Jesus Christ. If he accomplishes the task at hand and does it well, he pleases God.

Employers must also take care of their employees. Ephesians 6:9 states, "*And masters, treat your slaves in the same way. Do not threaten them, since you know that he who is both their Master and yours is in heaven, and there is no favouritism with him.*" This verse is consistent with Leviticus 19:13, which states, "*Do not defraud your neighbour or rob him. Do not hold back the wages of a hired man overnight.*" Coleman (Coleman, 2020) expresses a viewpoint on this verse, stating that it does not suggest that someone's wages must be paid directly. According to Nathaniel and Rachel (Nathaniel, 2020), in addition to providing decent and fair wages, a Protestant Christian employer must also provide guidance and motivation to ensure that workers, particularly Christian workers, are motivated to work not only to earn money but also to contribute to bringing and building the kingdom of God wherever they work. Sabdono (Sabdono, 2019) asserts that work is a component of human nature created in God's image. The nature of man is a worker. Of course, in Christianity, the term "image of God" must be interpreted spiritually.

Additionally, theology states that when entrepreneurs do not treat their employees fairly, God will stand with the workers against such unjust behavior. It is said in James 5:4 that "*Look! The wages you failed to pay the workmen who mowed your fields are crying out against you. The cries of the harvesters have reached the ears of the Lord Almighty.*" According to Davids (Davids, 2017), the wages withheld from the workers who harvested the crops may be because they wish to wait for the price of wheat to rise or they are dissatisfied with the workers' work. Although the Old Testament (OT) required that workers should be paid every evening (Leviticus 19:13, Deuteronomy 24:14-15), some employers evaded this requirement (Jeremiah 22:13, Malachi 3: 5). According to the "law of the land" at the time, this infringement had become ingrained, to the point where no court in the world desired to hear the workers' complaints.

Conclusion

Based on the foregoing, the following conclusions can be drawn:

1. To ensure implementation, positive law regulates the same legal position of workers and enterprises. However, numerous disagreements arise between employees and employers, necessitating the intervention of the Industrial Relations Dispute Settlement Institution (LPPHI). Additionally, the LPPHI settlement takes time and is exhausting, particularly for workers.
2. From a religious standpoint, the relationship between employees and employers entails justice and spirituality. The tragic story of the Israelites being treated cruelly as slaves by the Egyptian kings exemplifies the imbalance between slaves and rulers. When workers are entitled to wages and employers are entitled to their employees' work, theology in the sense of justice is evident. It demonstrates non-discrimination in terms of standing. While theology is spiritual, the relationship

between employees and entrepreneurs symbolizes the relationship between people and God, in which anybody who wishes to obey God's laws will receive a recompense.

3. Today's dispute between workers and bosses demonstrates a continued lack of regard for workers who should be protected. Conflicts frequently arise because of low wages, working over the specified working hours without receiving overtime pay, and workers being denied severance benefits in the event of termination of employment.

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