

Fulfillment of Workers' Rights to Rest and Leave in Employment Relations According to Labor Law

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Info Article	Abstract
Article History Received : 2023-09-03 Revised: 2023-09-12 Published: 2023-09-30 Keywords: <i>Right to Rest; Right to Leave; Legal Protection; Employment Relations; Employment Law</i>	Problems in employment relations are often characterized by the failure to fulfill workers' rights to rest and leave, even though these rights play a crucial role in maintaining worker health and maintaining company productivity. This situation indicates a gap between normative regulations and actual employment practices. This study aims to examine employers' obligations to fulfill workers' rights to rest and leave under Indonesian labor law, and to examine the forms of legal protection available to workers in the event of violations of these rights. The research method used is normative juridical research with a statutory approach and a literature review of relevant laws and regulations. The results indicate that the right to rest and leave is a normative worker right that employers must fulfill, as stipulated in Law Number 13 of 2003 and Government Regulation Number 35 of 2021. Violations of these provisions can result in administrative and criminal sanctions for employers. Legal protection for workers is provided through labor supervision and industrial relations dispute resolution mechanisms. This study confirms that effective supervision and clear regulations in company regulations are necessary to ensure the fulfillment of workers' rights to rest and leave.

I. INTRODUCTION

An employment relationship is a relationship between an employer and a worker/laborer based on an employment agreement, which includes elements of work, wages, and orders. This employment relationship arises after an agreement between the worker and the employer, namely when the worker states his/her willingness to work for the employer in exchange for wages, and the employer states his/her ability to employ the worker by paying wages.

The state exists through labor law to protect workers' normative rights and balance the positions of workers and employers in the employment relationship. One such protection includes regulating the right to rest and leave, which are inherent in the employment relationship and cannot be waived by the employment agreement. Fulfilling the right to rest and leave is intended to maintain workers' health and work capacity.

The right to rest and leave plays a crucial role in maintaining workers' physical and mental

health and ensuring continued work productivity. Without clear regulations and consistent implementation, workers are at risk of experiencing work fatigue, which can lead to a decline in quality of life and performance. Therefore, regulations regarding working hours, rest periods, and leave are expressly stipulated in Law Number 13 of 2003 concerning Manpower, which was then strengthened and detailed through implementing regulations following the enactment of Law Number 11 of 2020 concerning Job Creation. These were further detailed through Government Regulation Number 35 of 2021, which serves as the technical regulation for implementing workers' rights to rest and leave within an employment relationship.

Although the right to rest and leave is clearly regulated in labor laws and regulations, its implementation in employment relationships has not been fully implemented in accordance with applicable legal provisions. In various business sectors, there are still conditions where workers do not receive their full right to annual leave, work beyond normal working hours without being

provided with adequate rest time, or face company policies that limit the exercise of these rights on the grounds of operational needs.

The issue of fulfilling rest and leave rights has become increasingly complex with the development of flexible employment patterns, such as shift work systems, excessive overtime, and contract-based and outsourcing-based employment relationships. These conditions often place workers in a vulnerable position, making it difficult to demand optimal fulfillment of their rights. Furthermore, weak supervision and enforcement of labor laws also increase the potential for violations of workers' rest and leave rights.

Fulfillment of workers' rest and leave rights is inseparable from the employer's obligations as the party with control over the implementation of work. Employers are, in principle, required to regulate working hours, rest periods, and leave in accordance with statutory provisions, without using the company's operational interests as a reason to reduce or eliminate these rights. Employers' obligations regarding rest and leave rights are mandatory and legally binding. Fulfillment of these rights constitutes an order that must be implemented and is binding throughout the employment relationship.

Based on this background, this study formulates several key issues that require study. The first issue relates to the regulation and status of workers' rest and leave rights in employment relations according to labor law, including the scope and limitations of their implementation. The second issue concerns the employer's obligation to fulfill workers' rest and leave rights as stipulated in laws and regulations, as well as the legal implications if these obligations are not fulfilled. The third issue focuses on the forms of legal protection available to workers when violations of rest and leave rights occur, both through labor inspection mechanisms and legal remedies that workers can take.

II. RESEARCH METHODS

This research is a normative legal study focusing on legal provisions regarding the fulfillment of workers' rest and leave rights in employment relationships. The approach used is a statutory regulatory approach by examining Law Number

13 of 2003 concerning Manpower as amended by Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 35 of 2021, and a conceptual approach by referring to the views of labor law experts. The legal materials used include primary legal materials in the form of laws and regulations and secondary legal materials in the form of relevant textbooks and journal articles, which are then analyzed qualitatively to provide an overview of legal regulations, employer obligations, and legal protection against violations of workers' rest and leave rights.

III. RESULTS AND DISCUSSION

A. Workers' Rights to Rest and Leave

In employment law, workers' rights in an employment relationship are understood as normative rights that arise from the conclusion of an employment agreement between the worker and employer. These rights are inherent to the worker as a legal consequence of the employment relationship and must be fulfilled by the employer throughout the duration of the employment relationship. These normative rights are intended to protect workers in lower-level positions while also ensuring a fair employment relationship.

A work break is essentially a period of time given to workers to temporarily stop work activities after completing a certain number of hours, either in the form of a daily or weekly break. Meanwhile, leave is a worker's right to be away from work for a specified period while still receiving their rights, which include annual leave and other types of leave as stipulated by law.

Regulations regarding rest periods and leave are intended to prevent work fatigue and maintain workers' physical and mental well-being. Conversely, ignoring these rights can potentially lead to work fatigue, which not only harms workers but also reduces work quality and productivity.

The right to rest and leave cannot be viewed as an internal company policy or an additional benefit voluntarily granted by employers. These rights are inherent to workers and constitute a legal obligation that employers must fulfill. Provisions regarding rest and leave periods are binding and cannot be waived through employment agreements, company regulations,

or collective bargaining agreements. Therefore, employers are not permitted to reduce or eliminate rest and leave rights for reasons of operational importance.

Protection of workers is rooted in the 1945 Constitution of the Republic of Indonesia, which affirms that everyone has the right to work and a decent living for humanity and has the right to physical and spiritual well-being. Law Number 13 of 2003 concerning Manpower includes provisions regarding working hours, rest and annual leave which are normative rights of workers which must be fulfilled by employers during the employment relationship and cannot be set aside by employment agreements or company policies.

Regulations regarding rest and leave rights are detailed in implementing regulations, specifically Government Regulation Number 35 of 2021, which technically regulates workers' working hours, rest periods, and leave. Essentially, these implementing regulations aim to provide legal certainty and guidance for employers and workers in implementing the law's provisions.

Workers' rest rights in employment law are classified based on the duration and pattern of work implementation, namely:

1. Daily Break

A daily rest break is a worker's right to a break after working for a certain period of time. Labor law stipulates that workers are entitled to a break of at least half an hour after working for four consecutive hours, and this break time is not included in working hours.

2. Weekly Break

In addition to daily rest, workers are also entitled to weekly rest. Weekly rest is provided in the form of one day for a six-day workweek or two days for a five-day workweek.

3. Breaks in Special Work Systems

In employment practice, some types of jobs utilize special work systems, such as shift work and overtime. In shift work systems, rest periods must be adjusted to the employee's actual working hours, ensuring that rest rights are not lost even if work hours exceed normal hours. Meanwhile, in overtime, rest periods are part of legal protections to prevent labor exploitation.

Furthermore, there is the right to leave, which is a worker's right granted for a specific period of time. The leave arrangement is intended to provide longer recovery time than daily and weekly rest periods.

1. Annual leave

Annual leave is a worker's right to be away from work for a certain period of time after fulfilling the employment period requirements. Employment law stipulates that workers who have worked for twelve consecutive months are entitled to annual leave of at least twelve working days.

2. Special Leave

Apart from annual leave, there are also several types of special leave that are granted based on certain conditions, including:

- **Sick leave**, which is given to workers who are unable to work due to health conditions;
- **Maternity leave**, which is given to female workers before and after giving birth;
- **Menstrual leave**, for female workers who experience certain conditions;
- **Leave for important reasons**, such as urgent family events.

In practice, without state regulation and oversight, rest and leave rights are vulnerable to being compromised for the sake of company productivity and efficiency. Excessive workloads, long hours, and the neglect of annual leave are often considered "normal" in the workplace, especially in sectors that rely on a dense workforce. This situation demonstrates that market mechanisms and freedom of contract are not always able to effectively protect workers' rights.

State intervention serves as a preventative measure against broader social impacts. Neglecting the right to rest and leave not only harms individual workers but also has the potential to lead to occupational health problems, a reduced quality of life, and increased industrial relations conflict. In this regard, state regulation of the right to rest and leave can be understood as a form of preventative intervention to maintain social and employment stability.

B. Entrepreneurs' Obligations in Fulfilling Them

The employer's obligation to fulfill the right to rest and leave is a statutory mandate that is mandatory and legally binding for the duration of the employment relationship. Based on Article 79 paragraph (1) of Law Number 13 of 2003 concerning Manpower, employers are required to provide rest and leave time to workers/laborers. Employers are prohibited from using company operational interests as a justification for reducing or eliminating these rights, as these rights are normative. Fulfilling these rights serves as a form of protection to balance the position of workers, who tend to be weaker than employers in industrial relations. Therefore, any employment agreement or company regulations must not contain provisions that are lower than the minimum standards set by the state.

In implementing rest periods, Article 79 paragraph (2) letter a stipulates that employers are obliged to provide a break between working hours of at least half an hour after working for four hours continuously. It's important to note that this rest period is not included in working hours, so employers must ensure that workers are completely free from work responsibilities during this time. Furthermore, employers are also obligated to provide a weekly rest period of one day for a six-day workweek or two days for a five-day workweek. This obligation aims to maintain workers' physical and mental health, ensuring their productivity and preventing the risk of workplace accidents.

Regarding leave rights, Article 79 paragraph (3) requires employers to provide annual leave of at least twelve working days after workers have worked for twelve months continuously. During the period of leave, employers remain obligated to pay wages in full in accordance with the principle of wage protection. In addition to annual leave, employers are also required to fulfill special leave rights based on the biological conditions and social needs of workers.

Employers have a managerial responsibility to transparently document and publish work and rest schedules. If a company operates an overtime system, employers are required to obtain workers' consent and provide adequate rest periods during overtime. Neglecting this obligation to provide leave and rest is not only considered administrative negligence but also a

violation of workers' basic rights to health protection. Fulfillment of these obligations by employers is an integral part of the state's efforts to ensure a decent living for every citizen. By consistently fulfilling these obligations, employers help maintain stable employment relationships and prevent industrial relations conflicts. Ultimately, fulfilling the right to rest and leave is an investment for employers in maintaining the long-term sustainability of workforce productivity.

C. Legal Protection for Violations of Rest and Leave Rights

Legal protection for workers' rest and leave rights is a manifestation of the state's responsibility to guarantee human dignity in the employment sector. In the Indonesian legal context, this protection is divided into two main dimensions: preventive protection through supervision and repressive protection through the application of legal sanctions. Under Article 79 of Law Number 13 of 2003, the right to rest and leave is categorized as a normative right that cannot be deviated from by any agreement. If an employer violates the provisions regarding rest and leave periods, this action is not only a breach of contract but also a violation of public employment regulations. This is in line with the concept of legal protection which aims to create a balance in the bargaining position between workers and employers.

Legal protection is effectively implemented through strict criminal and administrative sanctions against employers who ignore workers' rights. Article 187 of Law Number 13 of 2003 stipulates that violations of the right to rest and leave are subject to criminal sanctions of imprisonment for a minimum of one month and a maximum of twelve months, as well as substantial material fines. In addition to criminal sanctions, employers can also be subject to administrative sanctions in the form of written warnings, restrictions on business activities, and even revocation of business permits by authorized agencies. The application of these sanctions serves as a coercive instrument to ensure employers comply with nationally established labor protection standards. With clear legal threats, the state seeks to minimize the practice of

exploiting working hours, which often harms workers' physical and psychological well-being.

In addition to sanctions, workers whose leave entitlements are not fulfilled have the option to resolve their disputes through industrial relations mechanisms. Under Law No. 2 of 2004, disputes arising from the failure to fulfill leave entitlements are categorized as rights disputes. Workers can first pursue bipartite negotiations as a means of reconciliation between workers and employers at the company level. If negotiations fail, the next step is mediation or conciliation at the Manpower Office before ultimately taking the case to the Industrial Relations Court (PHI). This legal protection ensures that any losses suffered by workers due to lost rest time can be recovered through a fair legal decision.

The role of labor inspectors is also a crucial pillar in ensuring effective legal protection in the field. Labor inspectors have the authority to conduct surprise inspections and review company regulations to ensure compliance with rest schedules. This legal protection challenge often arises for workers with Fixed-Term Employment Agreements (PKWT), who are often afraid to claim their leave due to concerns that their contracts will not be renewed. Therefore, the law provides equal protection for all types of workers, regardless of their employment status, in order to achieve social justice. Through the integration of strict oversight and firm sanctions, it is hoped that legal protection for rest and leave rights will not remain merely a rule on paper, but will actually be felt by workers.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results of the discussion in this study, it can be concluded that fulfilling workers' rights to rest and leave is an absolute legal obligation for employers to ensure a balance between company productivity and employee welfare. Legally, this obligation is expressly regulated in Law Number 13 of 2003 concerning Manpower and reinforced through its derivative regulations in Government Regulation Number 35 of 2021. Employers are fully responsible for ensuring that every employee receives the right to daily and weekly rest, as well as annual and other special leave without any wage deductions, as this

is closely related to protecting workers' physical and mental health.

Furthermore, legal protection against violations of rest and leave rights includes preventive mechanisms through labor supervision and repressive mechanisms in the form of criminal and administrative sanctions. The state acts as a regulator to ensure that unequal bargaining power between employers and workers does not lead to the neglect of these normative rights. The existence of industrial relations dispute resolution channels, ranging from bipartite negotiations to lawsuits through the Industrial Relations Court (PHI), provides legal certainty for workers to assert their rights in the event of a breach of contract or violation by the employer.

B. Suggestion

Based on the conclusions above, it is recommended that employers be more proactive in developing transparent and accommodating work time management schemes, so that company operations continue to run optimally without neglecting workers' rest rights. Employers need to view the fulfillment of leave rights not as a cost burden, but as a long-term investment to maintain employee loyalty and performance. Furthermore, the government, through labor agencies, is expected to increase the effectiveness of regular supervision and impose firm, indiscriminate sanctions against companies found to have violated normative rights. Finally, it is crucial for workers to increase their legal literacy regarding employment agreements so they can take independent legal action if their rights are not met.

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