APPENDIX 1: Indonesian Constitutional Court Reviews of Law No 13/2003 on Labour[[1]](#footnote-1)

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|  | **Constitutional Court Case No.** | **Applicants** | **Date of Decision** | **Articles under Review** | **Decision Summary** |
| 1 | 12/PUU-I/2003 (*Multiple Challenges I Case)*  | 37 leaders from various trade unions, represented by LBH Jakarta (Jakarta Legal Aid) | 28/10/2004 | Law as a whole, 64, 65, 66, 76, 106, 119, 120, 121, 137–145, 158, 159, 160, 170, 171, 186, various other articles for contradicting each other.  | Partially upheld. The formal challenge to the law as a whole was dismissed. Challenges to the provisions on outsourcing, the need for bipartite cooperative bodies in large businesses, requirement for unions to have 50% support before entering into collective bargaining, discrimination to women working at night were dismissed. Articles 158–159 on the employer’s right to dismiss workers for ‘gross error/criminal misconduct’ were nullified and reference to them was also deleted in articles 170–171. Dismissal for criminal conduct was held to contravene the principle of being innocent until proven guilty, and further because the articles had required the Industrial Relations Court (a civil court) to consider criminal matters.Article 160(1) on employer obligation to pay support to families of workers in lieu of wages for workers detained on suspicion of committing a crime was interpreted to cover workers reported by employers.Article 186 on specific imprisonment and fines was limited so that it did not apply to the right to strike and workers inviting other workers/trade unions to strike.  |
| 2 | 115/PUU-VII/2009 (*Union Bargaining Case)*  | 2 members of: *Serikat Pekerja BCA Bersatu* (Bank Central Asia United Union)  | 10/11/2010 | 120(1), (2), (3), 121 | Partially Upheld. Article 120, which had required that a union have more than 50% support in an enterprise to be entitled to bargain collectively, was interpreted to mean that if there was more than one union, up to a maximum of three unions with at least 10% membership, then they should be proportionally represented in collective bargaining negotiations. The Constitutional Court recommended legislative review of this article. The challenge to article 121 on the need to prove union membership via a membership card was denied.  |
| 3 | 61/PUU-VIII/2010(*Multiple Challenges II Case)*  | 2 leaders of the Federasi Ikatan Serikat Buruh Indonesia (FISBI) (Federation of Indonesian Trade Unions) | 14/11/2011 | 1(22), 88(3)(a), 90(2), 160(3) & (6), 162(1)(a), 171 | Dismissed. The Constitutional Court found that the arguments on the following issues were not legally upheld: definition of a labour dispute, the link between minimum wage policy and decent standards of living, exceptions to paying the minimum wage, ability of an employer to fire a worker undergoing a criminal charge after six months, exclusion of various rights on a worker’s resignation and the one-year limit on taking dismissal challenges to court. |
| 4 | 19/PUU-IX/2011(*Redundancy for Efficiency Reasons Case)*  | 38 applicants who had been employees at the same company (Hotel Panadayan in Bandung)  | 20/06/2012 | 164(3) | Partially upheld. The Constitutional Court held that article 164(3) on redundancy for efficiency reasons was constitutional provided that it was interpreted as only occurring in the context of permanent closure of the business. |
| 5 | 27/PUU-IX/2011 (*Transfer of Outsourcing Case)*  | 1 leader from Lembaga Swadaya Masyarakat Aliansi Petugas Pembaca Meter Listrik Indonesia (Alliance of Electricity Meter Readers)  | 17/1/2012 | 59, 64, 65, 66 | Partially upheld. In the context of outsourcing, the Constitutional Court held that the rights of outsourced workers on fixed-term contracts must be protected in the event that a labour supply service provider is changed. The phrase ‘fixed-term contracts’ used in articles 65(7) and 66(2)(b) is constitutional only if the contracts state that existing contractual rights continue even after the outsourcing company has been acquired by another. |
| 6 | 37/PUU-IX/2011(*Employment Rights During Labour Dispute Procedures Case)*  | 2 applicants from the Federasi Serikat Pekerja Pertamina Bersatu (Federation of United Pertamina Trade Unions), and 1 ex-employee with PT Total Indonesie | 19/9/2011 | 155(2) | Upheld. This case concerned article 155(2), which provided that, while a labour dispute was being settled, both employer and worker must continue to fulfil their responsibilities up until a resolution was determined. But the article was unclear if this covered the period up to the point of a decision of the Industrial Relations Court or through to cassation appeal at the Supreme Court. The Constitutional Court accepted the argument of the applicants and held that the words ‘not yet determined’ in article 155(2) must be defined as ‘not yet legally-binding’, meaning that employers must continue to pay wages through to the cassation appeal stage.  |
| 7 | 58/PUU-IX/2011(*Late Payment of Wages Case*)  | 1 applicant, a worker at PT. Megahbuana Citramasindo | 16/7/2012 | 169(1)(c) | Upheld. The Constitutional Court interpreted article 169(1)(c) to mean that workers have the right to claim constructive dismissal after wages have not been paid for three consecutive months *even if* employers pay wages on time after that period. |
| 8 | 100/PUU-X/2012(*Time Limit for Claims Case)* | 1 applicant, a former security guard | 19/9/2013 | 96 | Upheld. This case concerned article 96, which limited the right of workers to claim unpaid entitlements to a period of two years. The Constitutional Court held that this provision was unconstitutional and declared it to be null and void.  |
| 9 | 117/PUU-X/2012 | 2 applicants, both employees at PT. ABB Transmission & Distribution, | 31/10/2013 | 163(1) | Dismissed. This case concerned article 163(1) which *permits* dismissal during a merger or acquisition if the worker does not wish to continue their employment. If this occurs then one calculation each of severance pay, service award pay and replacement of unused rights apply. The applicants’ argument was that the article could be interpreted in two ways – as to whether the employer must or could dismiss if requested by the worker. The Court declined to reinterpret the article to mean that an employer must dismiss the worker in such a case.  |
| 10 | 67/PUU-XII/2013  | 9 applicants, all employees of Pertamina  | 11/9/2014  | 95(4) | Partially upheld. This case concerned article 95(4), which placed workers’ rights as creditors ‘ahead of others’ following corporate bankruptcy. However, this clashed with bankruptcy laws that place workers after the state and some other creditors. The Constitutional Court imposed a new interpretation on article 95(4) that unpaid wages would be given first preference among all creditors. Other unpaid workers’ rights must be given preference before the state, but not before unpaid bills and secured creditors.  |
| 11 | 69/PUU-XI/2013 | 2 applicants from Federation of Indonesian Metal Unions FSPMI, Pasuruan  | 7/5/2014 | 160(3) & (7), 162(1) & (2) | Dismissed. This was another attempt at challenging article 160 and an employer’s right to dismiss a worker undergoing criminal charge procedures after six months, and without the need to obtain a determination from the industrial relations court. The applicants also challenged article 162 on resignation, where the worker is not entitled to severance and service reward pay, creating a temptation to commit a minor breach of contract under article 161 to gain this payment rather than resigning. The Constitutional Court mainly dismissed this application on the basis that the articles had already been reviewed in previous cases with the same arguments.  |
| 12 | 96/PUU-XI/2013 | 2 applicants, leaders of APINDO (Indonesian Employers Association) | 7/5/2014 | 59(7), 65(8), 66(4) | Dismissed. The applicants challenged three deeming provisions in relation to fixed-term contracts and outsourcing arrangements where if certain conditions are not met then the employment is deemed to be permanent or deemed to be insourced. The Constitutional Court essentially rejected the argument that the deeming provisions and the term ‘*demi hukum*’ gave rise to multiple interpretations, reasoning that disputes can be taken through dispute settlement mechanisms.  |
| 13 | 7/PUU-XII/2014 | 8 applicants: 3 leaders of different unions and 5 workers from different companies | 4/11/2015 | 59(7), 65(8), 66(4) | Upheld. This case also challenged the same three deeming provisions as Case no 96/PUU-XI/2013, but the argument revolved around a lack of legal certainty in the application of the phrase ‘by law’ (*demi hukum*) and lack of administrative processes and attached sanctions for employers who fail to acknowledge the deemed change in status of contract. The Constitutional Court issued a conditionally constitutional interpretation of these articles such that a worker may ask for execution of a labour department official’s note recognising a permanent contract to the relevant State Court, providing that bipartite negotiations have already been held.  |
| 14 | 11/PUU-XII/2014 | 2 applicants, leaders of Indonesian Employers Association (Apindo), East Java | 23/10/2014 | 88(4), 89(3) | Dismissed. The applicants challenged the two articles relating to minimum wage setting, including the direction that minimum wages would be set by ‘paying attention to productivity and economic growth’ and by ‘Governors paying attention to recommendation of wage councils’. They argued that the phrase ‘paying attention to’ was too vague. The Court rejected the argument that this was unconstitutional, as other articles are more specific on minimum wage setting.  |
| 15 | 114/PUU-XIII/2015 | 10 applicants, all workers from different companies | 29/9/2016 | 171(also Law no 2/2004 on Industrial Disputes Resolution art 82) | Partially upheld. The applicants were responding to some specific cases from the Industrial Relations Court and Supreme Court where the rulings had used article 171 of Law no 13/2003 on Labour and article 82 of Law no 2/2004 on Industrial Disputes Resolution placing a one-year limitation on lodging claims where a worker had been dismissed without a court determination. The Court refused the arguments relating to article 171 due to a prior ruling on the same article. But it accepted the argument relating to article 82 of the Industrial Disputes Resolution Law, removing reference to article 159 from these two impugned articles, because article 159 had already been declared null and void by the court. Overall, this meant that the one-year time limit for workers to bring dismissal claims where they had been dismissed after six months while detained on criminal charges still stood (ie article 171 as it related to article 160(3)). |
| 16 | 20/PUU-XIII/2015(*Permission to Dismiss Case)*  | 9 applicants, all workers for different companies | 30/11/2015 | [151, 152][Also: Art. 81 of Law no 2/2004 on Industrial Disputes Resolution]  | Dismissed. This case involved the inconsistency between the requirement for employers to obtain a ‘*penetapan*’ or determination before dismissing a worker in Law no 13/2003 on Labour and the more general dispute resolution procedures outlined in Law no 2/2004 on Industrial Disputes Resolution. Although problems with relevant articles in the *2003 Labour Law* were outlined, confusingly the petition only specifically asked the court to consider the constitutionality of article 81 of the 2004 Law on Industrial Disputes Resolution. The Court rejected this argument, but in its reasoning it explained that a case for dismissal could not be conducted as a request (*permohonan)* for a determination but that it must be a dispute (*sengketa/gugatan)* where the views of the opposing party (i.e. the worker) will be heard. The Court did not, however, go so far as to directly interpret the provisions in the *2003 Labour Law* requiring employers to obtain a determination, arguably leaving the legal inconsistency in place.  |
| 18 | 72/PUU-XIII/2015(*Minimum Wage Exemption Case)*  | 2 applicants, leaders of two different unions  | 19/9/2016 | 90(2) and its elucidation | Partially Upheld. The applicants challenged the article allowing employers to apply for an exemption from paying the minimum wage. The elucidation stated that at the end of the exemption period, the employer would not need to back pay the difference in wages. The Court dismissed the challenge to article 90(2) itself due to it having been reviewed in a previous case, but it was willing to review the elucidation and declared that the phrase allowing employers to avoid paying back the difference in wages to be unconstitutional.  |
| 19 | 8/PUU-XIV/2016 | 123 applicants, all workers in various companies | 18/08/2016 | 88(4) | Dismissed. The applicants were challenging article 88(4) on minimum wage policy needing to be based on a decent standard of living and paying attention to productivity and economic growth. Also raised was Government Regulation no 78/2015 which sets out a formula for setting provincial minimum wages, as proof of article 88(4) being uncertain and open to interpretation. The Constitutional Court rejected the argument about uncertainty.  |
| 20 | 99/PU-XIV/2016 | 1 applicant, a lawyer | 7/02/2017 | 6, 59(7), 155(2) | Dismissed. The applicant a lawyer who had been providing advice on the Law, but the Industrial Relations Court and Supreme Court had decided against his advice. This affected his reputation. The applicant was held not to have legal standing and the substance of his application was therefore not considered.  |
| 21 | 13/PUU-XV/2017(*Dismissal for Marriage Case)*  | 8 applicants, current and former employees of State Electricity Company (PLN) | 14/12/2017 | 153(1)(f) | Upheld. The applicants challenged the article forbidding dismissal on grounds of blood or marriage relationships in the one company unless regulated in a contract, collective bargaining agreement or company rules. The Court accepted the argument that contracting out of this rule was unconstitutional. |
| 22 | 100/PUU-XV/2017 | 1 applicant, former contract employee at Bank Rakyat Indonesia (BRI)  | 21/02/2018 | 59(7), 86(1)(b) &(c) | Dismissed. The applicant challenged the provision in article 59(7) where fixed-term contracts were deemed to be permanent basing the argument on lack of sanctions against employers. Similarly argued no sanctions for breach of article 86 and its right to moral and religious protections. The Court rejected these arguments.  |
| 23 | 6/PUU-XVI/2018 | 6 applicants, workers at various companies | 31/05/2018 | 59(1) | Dismissed. The applicants challenged the requirement for fixed-term contracts to be noted with the local department of labour as not providing protection and legal certainty. The Law did not contain any details on what ‘noting’ involves or requirements for inspection of the contents of the contract to check it is legal. The Court rejected the argument on the basis that the Law required an implementing regulation for more details on the notation process, and that the Ministerial Decision provided this.  |
| 24 | 42/PUU-XVI/2018 | 1 applicant, PT Manito World represented by its President Director Kim Nam Hyun | 28/06/2018 | 172 | Dismissed. The applicant challenged the article on long-term illness and the right of the employer to dismiss the worker after 12 months with severance pay. The argument revolved around lack of requirements in the law for medical evidence. However, the court found lack of legal standing because there was no evidence that the President Director had the power to represent the company. Therefore, the Court did not address the substantive argument.  |
| 25 | 46/PUU-XVI/2018 | 5 applicants, all workers and pension scheme members | 23/7/2018 | 167(3) | Dismissed. The applicants challenged the article that provides that if an employer has enrolled a worker in a pension scheme then premiums paid would be counted as severance pay, with example calculations in the elucidation. The applicants argued that there were multiple interpretations possible. The Court found that only three of the five applicants had legal standing, but also rejected the challenge on the grounds that there were not multiple interpretations but rather a problem of legal enforcement in the banking cases outlined by the applicants.  |
| 26 | 68/PUU-XVI/2018 | 1 applicant, retiree from Bank Negara Indonesia (BNI)  | 15/10/2018 | 167(3)  | Dismissed. This case was also a challenge to pension and severance pay calculations with the claim of multiple interpretations. This case was denied on the basis that it was unclear what the applicant was asking for, and in any case the constitutionality of article 167(3) had already been addressed. It was noted that the applicant could have, but did not, raise whether the elucidation matched the article.  |
| 27 | 72/PUU-XVI/2018 | 1 applicant, an employee | 12/12/2018 | 59(7) | Dismissed. This case again challenged the article on deeming a fixed-term contract to be permanent on the basis that it did not provide certainty of rights. The applicant had been fired after their contract was determined as permanent by the industrial relations court. The Constitutional Court disallowed this case on the basis that this article had already been reviewed previously.  |
| 28 | 77/PUU-XVI/2018 | 1 applicant, PT Manito World represented by its President Director Kim Nam Hyun | 15/4/2019 | 172 | Dismissed. This was a repeat case after the previous one was dismissed due to lack of legal standing. The applicant had an industrial relations court ruling against him regarding workers’ claims to severance pay for dismissal after long-term illness, but without medical records. This time the applicant was found to have legal standing, but the Court found the article to be constitutional and refused to add a new norm of requiring medical evidence.  |
| 29 | 100/PUU-XVI/2018 | 1 applicant,Forum Perjuangan Pensiunan Bank Negara Indonesia (Forum for Bank Negara Indonesia Retirees’ Struggle)  | 27/2/2019 | 167(3) | Dismissed. Another challenge to the article on calculation of severance pay where the employee is a member of pension fund. Although the applicants had tied their argument to a different provision in the Constitution than previous cases, the Court still disallowed their argument for being essentially the same.  |
| 30 | 101/PUU-XVI/2018 | 1 applicant, private sector worker | 27/2/2019 | 168(1), 156(2) | Dismissed.The applicant challenged the articles on calculation of severance pay which limit the calculation to 9 or more years, and the article on being absent without leave for 5 days and called twice giving rise to employer’s right to dismiss. The Court found the applicant did not have legal standing because she was still employed and therefore had not suffered any constitutional damage from the application of the articles in question. Therefore, the Court not address the substance of the claim. |
| 31 | 68/PUU-XVIII/2020 | 2 applicants with support of 112 union members of State Electricity Company (PLN) union.  | 25/11/2020 | 154(c)  | Dismissed.The application concerned the requirement than an employer obtain a court ‘determination’ (*penetapan*) before dismissing a worker, with one of the exceptions being at time of retirement as determined in company rules, collective bargaining agreement or legislative rules. The case failed because this article had already been amended by the Job Creation Law signed by the President in November 2020.  |

APPENDIX 2: Judicial Review of Lower-Level Labour Regulations by the Indonesian Supreme Court

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|  | **Supreme Court Case No.** | **Applicants** | **Date of Decision** | **Regulation and Articles under Review** | **Decision Summary** |
| 1 | 01 G/TN/1993 | 4 applicants, all industrial workers and former workers | 21/10/1994 | Minister of Labour Decree no Kep.342/Men/86 on Guidelines for Resolving Industrial Relations Disputes, ch II(2)(3) | Dismissed. This was a challenge to a notorious 1986 regulation permitting military involvement in regulating strikes. It was challenged for contravening the higher-level Law no 22/1957 on Industrial Disputes Resolution. This judicial review challenge was filed in August 1993 but, by the time the decision was issued in October 1994, the regulation in question had already been replaced and therefore the case was dismissed.  |
| 2 | 02 G/TN/1993 | 4 applicants, all workers, 3 from Sampoerna and 1 from Victory Long Age Indonesia, assisted by ELSAM and Indonesian Legal Aid | 21/10/1994 | Minister of Labour Decree no Kep.438/MEN/1992 on Guidelines for Forming and Managing Trade Unions in Enterprises, pt 3(1) and (2); Minister for Labour Regulation no 03/MEN/1993 on Registration of Workers’ Organisations, arts 2 and 9. | Dismissed. This was a challenge to regulations requiring enterprise-level unions to join Serikat Pekerja Seluruh Indonesia (SPSI) – the one state-sanctioned union in Indonesia at the time. The applicants argued that the regulations contravened principles of freedom of association found in Law no 8/1985 on Community Organisations as well as ILO Conventions. The Court held that these regulations merely determined union registration processes and did not force membership of SPSI and did not contravene the higher-level laws. |
| 3 | 02 P/HUM/2007 | 2 applicants, national leaders of Indonesian Employers Association (APINDO) | 17/9/2008 | Governor of Jakarta Regulation no 82/2006 on Accident Insurance Outside of Work Hours | Upheld. The applicants from APINDO challenged the requirement to enrol workers in this specific Jakarta regional social security scheme given that requirements already existed at the national level. The Supreme Court held that this regulation did indeed contravene Law no 3/1992 on Workers Social Insurance.  |
| 4 | 01 P/HUM/2011 | Leaders of the East Java branch of the Indonesian Employers Association (APINDO) | 2/3/2011 | Governor of East Java Regulation no 95/2010 on the Minimum Wage in Gresik | Dismissed. The application challenged this minimum wage regulation for Gresik district against Law no 13/2003. The applicants argued that Gresik’s wage was higher than other regions in East Java and represented a burden on employers. Their arguments included that the Wage Council’s survey on decent standard of living was flawed. The Court found that the requirements for issuing a minimum wage had been followed and therefore dismissed the case.  |
| 5 | 06 P/HUM/2014 | 5 leaders of Pasuruan Branch of Indonesian Employers Association (APINDO) | 26/3/2014 | Governor of East Java Regulation no 78/2013 on the 2014 Minimum Wage  | Dismissed. The applicants were challenging the 2014 minimum wage rate for Pasuruan District which had increased sharply over two years, claiming undue influence by unions. The Court dismissed the case on the grounds that wage council procedures had been followed, and at the time the applicants had left the wage determination up to the government.  |
| 6 | 20 P/HUM/2015 | Provincial Leaders of East Java Branch of Indonesian Employers Association (APINDO) | 11/2/2016 | Governor of East Java Regulation no 72/2014 on the 2015 minimum wage | Dismissed. The applicants argued that the minimum wage regulation contravened the *2003 Labour Law* among others because the provincial government had not involved employers or explained the basis of the wage calculations. The court rejected the application on the basis that this regulation no longer existed – it had been replaced by the following year’s minimum wage regulation.  |
| 7 | 67 P/HUM/2015 | 1 applicant, West Java regional leader of textile, clothing and leather union.  | 24/11/2016 | Government Regulation no 78/2015 on Wages | Dismissed.This application argued that this Government Regulation had wrongly usurped the role of unions in wage-setting by setting a rigid formula that ignores the Decent Standard of Living principle, and that it contravened the *2003 Labour Law* and *Law no 12/2011 on Law-Making*. The Court rejected the application on the basis that the *2003 Labour Law* was under review by the Constitutional Court, and therefore the regulation could not be reviewed at this time. |
| 8 | 69 P/HUM/2015 | A group of major national unions plus three individual workers | 24/11/2016 | Government Regulation no 78/2015 on Wages, art 44(2) | Dismissed.As per the Case no 67 P/HUM/2015, this case was dismissed on the basis that the *2003 Labour Law* was under review by the Constitutional Court.  |
| 9 | 70 P/HUM/2015 | 5 business associations in Riau Islands | 24/11/2016 | Government Regulation no. 78/2015 on Wages, arts. 43, 44 | Dismissed. The applicants objected to the formula for calculating minimum wages based on productivity and economic growth instead of on the ‘decent standard of living’. The Court dismissed this case on the basis that the *2003 Labour Law* was under review by the Constitutional Court. |
| 10 | 24 P/HUM/2016 | Group of 11 workers at various companies in Karawang, all members of Singaperbangsunion | 5/12/2016 | Bupati of Karawang Regulation no 9/2016 on labour force planning  | Dismissed.The argument mainly concerned the many overlaps/copies between this Bupati’s regulation with national-level regulations, which the applicants claimed prevented the formation of a Labour Planning Team as required by a Ministerial regulation. The Court found the applicants did not have legal standing due to lack of a causal link to the regulation and therefore did not address the substance of the argument.  |
| 11 | 34 P/HUM/2017 | Leaders of major national unions | 24/11/2016 | Government Regulation no. 78/2015 on Wages, various articles | Dismissed. As per Cases 67 P/HUM/2015, 69 P/HUM/2015, 70 P/HUM/2015, this case too was dismissed on the basis that the *2003 Labour Law* was under review by the Constitutional Court.  |
| 12 | 61 P/HUM/2018 | Leaders of Gresik branch of Indonesian Employers Association (APINDO) | 18/10/2018 | Governor of East Java Regulation no 63/2018 amending Governor of East Java Regulation no 1/2018 on Sectoral Minimum Wages 2018  | Dismissed. The applicants argued that this sectoral wage regulation only named particular companies rather than a sector which contravened requirements. The Court considered the substance of the argument but did not find that this regulation breached any regulations higher in the hierarchy. |
| 13 | 67 P/HUM/2018 | 28 named companies based in Bekasi | 18/12/2018 | Bekasi Regional Regulation no. 4/2016 on Labour | Dismissed. The applicants argued that this regional regulation contravened the *2003 Labour Law* and the *2011 Law on Law-making*. This included that the *2003 Labour Law* does not provide any mandate for regional labour regulations. In particular, the applicants objected to the requirement that companies must report job opportunities to regional officials and the requirement to prioritise locals when employing. The Court ruled that local governments do have the right to pass labour regulations under regional autonomy principles, and also that the specific provisions did not contradict higher laws.  |
| 14 | 08 P/HUM/2019 | 2 applicants, leaders of the Bank Rakyat Indonesia retirees advocacy group | 25/07/2019 | Bank Rakyat Indonesia board of directors’ decision letter on dismissal NO.KEP: S.27- DIR/SDM/05/2005 (dated 13 May 2005).  | Dismissed. The applicants argued that this decision letter was being used as a guide to dismissals within the company, but it contradicted the *2003 Labour Law*. The Court found that this decision letter from a state-owned enterprise did not fall within its judicial review jurisdiction, and therefore it did not address the substance of the argument.  |
| 15 | 83 P/HUM/2019 | 8 named companies based in Bekasi | 11/12/2019 | Bekasi Regional Regulation no 4/2016 on Labour | Dismissed. The case was dismissed on the basis that this regulation had already been reviewed in Case no 67 P/HUM/2018 and the substance of the argument presented was the same.  |
| 16 | 35 P/HUM/2020 | A company (PT Bahtera Pesat Lintasbuana) and two of its employees | 14/10/2020 | Minister for Labour Regulation no 19/2012 on Outsourcing, art 7(2).  | Dismissed by majority of judicial panel. The applicants argued that article 7(2) of the outsourcing regulation, which required a company to have proof of registration before outsourcing or the outsourced employment would automatically revert to the main employing firm, contravened the *2003 Labour Law*. They argued that this would cancel any rights to severance pay, etc, that workers have with the outsourcing firm. These arguments were rejected by the majority of the judicial panel. |
| 17 | 37 P/HUM/2020 | Union Leaders from KSPI | 14/10/2020 | Ministry for Labour Circular Letter M/6/HI.00.01/V/2020 on the Annual Holiday Bonus for 2020 in the COVID-19 pandemic. | Dismissed.The applicants argued that this circular letter contradicted Government Regulation no 78/2015 on Wages and Ministry of Labour Regulation no 6/2016 on Annual Religious Holiday Bonus. The Court declined to review this Circular Letter on grounds that it falls outside the hierarchy of regulations that it can review. |

1. Constitutional Court decisions in Indonesia are referred to by their decision number. For ease of linking particular cases in this table to discussion in the paper, I have given some of them a descriptive title. This list does not include cases that ended in a ‘*Ketetapan’* (determination) instead of a full decision (‘*Keputusan*’), which usually occurs where the case was withdrawn by the applicants. [↑](#footnote-ref-1)