

Legal Liability for Companies Regarding the Prohibition of Worship for Workers

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ABSTRACT

This study discusses the prohibition of worship for workers in beauty companies around Cirebon Regency based on labor laws in Indonesia. Freedom of worship is a basic right of every human being guaranteed by the 1945 Constitution and Law Number 13 of 2003 concerning employment. However, there are still companies that limit their workers to worship, as happened in the city of Surabaya. The same thing also happened in one of the cosmetics companies around Cirebon Regency, Company X.

This paper uses normative juridical methods, with data from literature studies and interviews with several workers at Company X and the Manpower Office as our supporting data.

This research is expected to provide insight for companies, legal practitioners, and the general public in understanding the rights and obligations of workers and the company's obligations to workers.

The study's results show that company X's policies are contrary to regulations and can be considered discriminatory, adversely affecting employee welfare and company reputation. Legal consequences that can be imposed on companies include administrative sanctions, civil lawsuits, and criminal charges under applicable regulations.

If the company does not have company regulations, it can be subject to criminal sanctions, including a fine of at least Rp.5,000,000 (five million rupiah) and a maximum of Rp.50,000,000 (fifty million rupiah).

INTRODUCTION

Indonesia is a country of law that is famous for having various ethnicities, races, cultures, and religions. Most of Indonesia's population is Muslim, but Indonesia still respects and maintains the values of diversity as stated in the 1945 Constitution. Article 29, paragraph (2) of the 1945 Constitution has regulated freedom of religion, which the Article states as follows:(Hakim, 2023)

"The state guarantees the freedom of each citizen to embrace his or her own religion and worship according to his or her own beliefs."

The above article stipulates that everyone has the right to choose a religion and worship under the religion they embrace. Worship is interpreted as devotion to God Almighty based on obeying His commands and avoiding His prohibitions.

One form of worship in daily life is work, if the activity intends to get closer to Allah SWT and obtain goodness and glory from Allah SWT. Every individual must worship, serving as a spiritual and moral foundation for life. The state has guaranteed the right to carry out worship as a human right, as stipulated in Article 29 paragraph (2) of the 1945 Constitution, as well as Article 80 of Law No. 13 of 2003 concerning Manpower. But in reality, some workers still have difficulty and are not even allowed to worship when they work in the company, as in Surabaya, where one of the automotive and industrial companies restricted its workers from worshipping. The same thing also happened in one of the cosmetics companies around Cirebon Regency, Company X. The company unilaterally terminated an employee after he worshipped.

This is a deviation from the implementation of laws and regulations. Therefore, we are interested in conducting research entitled "Legal Liability for Companies Regarding the Prohibition of Worship for Workers," which discusses whether there is a policy for company X regarding the implementation of worship in the workplace. And what is the liability of companies that prohibit their workers from worshipping based on the perspective of labor law in Indonesia? The purpose of this study is to analyze company X's policies related to the implementation of worship in the workplace and to find out the liability of companies that prohibit their workers from worshipping based on the perspective of labor law. The benefits of this research are that it can provide insight into the field of labor law and explain phenomena related to violations of workers' rights to worship.

RESEARCH METHODS

This research was written using normative juridical research conducted through the literature study method (*Library Research*), which examines legal principles based on theories and applicable laws and regulations. (Soerjono & Mamudji, 2009)

The data sources in this study include:

1. Primary data, namely information collected from the results of literature studies (*Library Research*), including reference books, scientific journals, and various academic works relevant to research issues.

2. Secondary data, namely data obtained directly from field research (*Field Research*) through interviews and observations on the analysis of irregularities in laws and regulations in cases of the prohibition of worship by companies as supporting data

RESULTS OF RESEARCH AND DISCUSSION

Analysis of company X's policies related to the implementation of worship in the workplace

The implementation of worship in the work environment has been regulated in several positive laws in Indonesia. Still, the rules that the superiors of company X have issued are oral; one is a rule not to carry out worship in the workplace. This is contrary to laws and regulations and the rights and obligations of workers. The workers were also forced to follow the orders of their superiors or *Manager* which regulates for several reasons given by the company's superiors such as professionalism at work, colliding with working hours, and interfering with productivity and smooth operations as well as the lack of facilities and infrastructure that allow workers to carry out worship in the work environment in company X. The policy in company X shows that their superiors have given several reactions when they see some of their workers carrying out worship and ask their colleagues to back up. In contrast, the worker carries out worship temporarily.

After we conducted interviews with workers at company X, we found out that the company did not have written company rules, which is contrary to Article 1, number 20 of Law No. 13 of 2003 concerning labor, where the company must have written regulations that contain the company's terms and restrictions. And it is also contrary to Article 80 of Law Number 13 of 2003 concerning manpower, which regulates that employers are obliged to provide opportunities for their workers to worship. However, in reality, Company X does not offer opportunities for its workers to carry out worship. Professionals at company X. experienced this At that time, he carried out worship when he was not getting *a shift* to livestream on the company's account. However, after he returned from prayer, he was considered unprofessional in his work, and he also received verbal reprimands through group messages without any warning letters.

Some workers at the company advised their superiors to give a 5-minute break to carry out worship. However, looking at the results of the interview, it shows that the reason *why the manager* or superiors at the company prohibits worship at work is related to efficiency and professionalism at work, so that it can make the work environment less pleasant and can make the effectiveness and efficiency of workers decrease in achieving targets and the tasks given do not run according to the expected targets so that in this case the work environment become inefficient and effective. The sales target given by the company to each worker is around Rp . 50,000,000 (fifty million rupiah). If the target is reached, the workers will get a bonus of 2% of the sales proceeds. In addition, the policy of not worshipping at work is carried out unwritten in the employment contract, but verbally and via group messages. (Sihaloho & Siregar, 2020)

The work environment in the company is divided into two dimensions, one of which is the availability of facilities, one of which is included in the facility is a place of worship, looking at the results of the interview the work environment of company X does not have facilities for places of worship such as mushalla. This can reduce the effectiveness and efficiency in achieving targets in the work environment. (Siagian, 2014)

The impact of the policies implemented had a significant effect on employees and company productivity. Employees do not feel valued and supported in satisfaction and well-being, especially at work, which ultimately lowers their motivation and loyalty to the company. In addition, having clear policies allows employees to manage their time better, thereby reducing conflicts between work and worship obligations, which contributes to increased productivity. Not only that, but the company also benefits in terms of image and reputation. By implementing policies supporting religious diversity, companies can build an inclusive and diversity-friendly work environment, attracting more quality talent and strengthening relationships with various stakeholders.

Legal Liability for Companies That Prohibit Their Workers from Worshipping in the Perspective of Labor Law in Indonesia

Hans Kelsen's theory of legal responsibility states, "A person has a legal responsibility for a particular act if it violates the applicable law." In the context of labor law in Indonesia, companies are obligated to guarantee their workers' rights, including the right to practice worship. The right to carry out worship is regulated in the Law Article 28 E paragraphs (1) and (2), as well as Article 29 paragraph (2). The right to worship is taken seriously because it is regulated in Article 80 of Law Number 13 of 2003 concerning Manpower. It explains that every employer must provide opportunities for their workers to carry out worship. In addition, the workplace must also offer adequate worship facilities. If the company implements a prohibition on prayer, it is contrary to Law Number 13 of 2003 concerning employment. (HS & Nurbani, 2014) (Fatahillah, 2020)

Article 6 states that every worker/laborer has the right to equal treatment without discrimination from the employer. ; and

Article 80 states that the Entrepreneur must provide sufficient opportunities to the workers/laborers to carry out the worship required by their religion.

However, companies that violate these articles can be subject to administrative sanctions or criminal penalties under applicable regulations. The legal responsibilities of companies that implement the policy are in the form of:

a. Administrative Sanctions,

Under Article 190 paragraph (2) of Law No. 13 of 2003 concerning Manpower, employers who violate workers' rights can be subject to administrative sanctions in the form of:

1. Rebuke
2. Written warnings
3. Restrictions on business activities

4. Freezing of business activities
5. Cancellation of consent
6. Cancellation of registration
7. Temporary shutdown of part or all of the production equipment
8. Revocation of business license.
- b. Civil sanctions

Based on Article 1365 of the Civil Code regarding unlawful acts, workers who are harmed by the prohibition of worship can file a civil lawsuit with the Court. If the lawsuit is granted, the company will be subject to compensatory sanctions to workers whose rights are violated. Based on information from the source, he received compensation from the company in the form of severance pay of 6 months of wages, because the source had worked for approximately 5 years. This is by Article 40 paragraph (2) letter f "*a working period of 5 (five) years or more, but less than 6 (six) years, 6 months of wages*".

c. Criminal sanctions

Based on Article 81 number 66 [Perppu Job Creation](#) which amends Article 185 paragraph (1) of the Manpower Law, employers who prohibit their workers from worshipping can be subject to criminal sanctions of imprisonment for a minimum of 1 year and a maximum of 4 years, and/or subject to a fine of at least Rp100,000,000.00 (one hundred million rupiah) and a maximum of Rp400,000,000.00 (four hundred million rupiah).

d. Reporting to the Manpower Office

Based on the results of the interview we conducted with the Cirebon Regency Manpower Office, we received a response from the Manpower Office regarding the restriction/prohibition of worship by the company, namely, "The worship must be carried out, the company must not obstruct or even prohibit its workers from worshipping. If the company prohibits it, it has violated the applicable rules. Workers who are prohibited from worship can report it to the local Manpower Office, by which the worker reports to the labor supervisory department. Then the labor supervisor will follow up on the report. And the company received sanctions from the regional Technical Implementation Unit (UPTD) in the form of examination memorandums and administrative, criminal, or civil sanctions." The Cirebon Regency Manpower Office also said that our resource person did not report that there was a policy prohibiting worship at their workplace.

The research we conducted also revealed that company X did not have company regulations, which was a violation. According to Article 188 of Law Number 13 of 2003 concerning Manpower, criminal sanctions of fines, at least Rp.5,000,000 (five million rupiah) and a maximum of Rp.50,000,000 (fifty million rupiah), can be imposed on companies that do not have company regulations.

CONCLUSION

1. The study results show that company X has violated the provisions of Indonesian positive law regarding the right of workers to carry out worship at work. The prohibition of worship enforced orally without a written regulation contradicts Article 1, number 20 and Article 80 of Law Number 13 of 2003 concerning Manpower. Policies that prohibit the implementation of worship on the grounds of efficiency, professionalism, and limited facilities hurt worker satisfaction, motivation, and loyalty. In addition to violating workers' fundamental rights, this policy also has the potential to reduce productivity and damage the company's image. The work environment that does not provide worship facilities also worsens this condition. Therefore, it is vital for companies to immediately revise their policies by giving written regulations that respect the right to worship, build an inclusive work environment, and support employee welfare to improve work effectiveness and efficiency.
2. Workers who receive a ban on worship can report to the Manpower Office of the labor supervisory department so that the company can be followed up and can be subject to sanctions from the regional Regional Technical Implementation Unit (UPTD) in the form of inspection memorandum and administrative sanctions, criminal sanctions or civil sanctions. Based on the results of the research that we have conducted, it also turns out that company X does not have company regulations, which is included in the violation and can be subject to criminal sanctions of a fine of at least Rp.5,000,000 (five million rupiah) and a maximum of Rp.50,000,000 (fifty million rupiah).

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