

### Research Article

# The Juridical Impact of the Misuse of Casual Daily Worker (CDW) Status on the Protection of Workers' Normative Rights in the Coal Transportation Sector in Jambi

Primus Yudistira<sup>1</sup>, Arrie Budhihartie<sup>2</sup>, Ratna Dewi<sup>3</sup>, Syurpana Nofanda<sup>4</sup>

Universitas Jambi, Indonesia <sup>1,2,3,4</sup>

Corresponding Author, Email: primusyudistira6@gmail.com

### Abstract

This study analyzes the juridical impact of the misuse of Daily Casual Worker (DCW) status on the protection of workers' normative rights in the coal transportation sector in Jambi Province. In practice, DCW status is frequently applied to workers who perform permanent and continuous work, resulting in legal uncertainty and weakened protection of workers' rights. This research employs a normative legal research method by examining labor regulations, legal doctrines, and relevant scholarly literature. The findings indicate that the misuse of DCW status contradicts the principles of protection in labor law and leads to the loss of workers' normative rights, including minimum wage entitlements, social security coverage, occupational safety, and certainty of employment relations. Weak supervision and law enforcement further exacerbate workers' vulnerability. Therefore, strengthening regulations and oversight is necessary to ensure fair legal protection for workers in the coal transportation sector.

**Keywords:** Daily Casual Workers, Labor Protection, Coal Transportation.



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### INTRODUCTION

Labor is a fundamental element in sustaining industrial activities, including the coal transportation sector, which plays a strategic role in the distribution chain of mining commodities. In Jambi Province, the coal transportation sector absorbs a significant number of workers, particularly as truck drivers, field operators, and loading and unloading workers. However, the large demand for labor in this sector is not always accompanied by adequate legal protection, especially concerning the employment status granted by companies to workers.

One of the recurring issues in this sector is the use of Daily Casual Worker (DCW) status. Conceptually, DCW status is intended for work that is temporary and non-continuous in nature. In practice, however, this status is often applied to workers who are employed on an ongoing basis and perform core business activities of the

company. This situation creates legal uncertainty and results in workers losing normative rights that should be guaranteed within formal employment relationships.

The misuse of DCW status has a direct impact on the protection of workers' rights, including the right to fair wages, social security coverage, occupational safety and health, and job security. Workers with DCW status tend to be in a vulnerable position, as they can be dismissed at any time without clear procedures or adequate compensation. This condition indicates a gap between labor law norms and the actual employment practices in the field.

Based on these circumstances, this study is important to examine the extent to which the misuse of DCW status has juridical implications for the protection of workers' normative rights in the coal transportation sector in Jambi. Through a comprehensive understanding of this issue, it is expected that more effective legal measures can be formulated to ensure worker protection and to create fair and sustainable industrial relations.

## **THEORETICAL FRAMEWORK**

In labor law, an employment relationship is determined by the existence of three essential elements: work, wages, and orders (authority). When these three elements are fulfilled, an employment relationship is deemed to exist regardless of the employment status label assigned by the employer. Casual Daily Workers (Tenaga Kerja Harian Lepas/THL) are essentially intended only for work that is temporary and non-continuous in nature. The application of THL status to work that is permanent and carried out continuously constitutes a deviation in the employment relationship.

The protection of workers' normative rights is the primary objective of labor law, encompassing the right to decent wages, social security, occupational safety and health, and protection against termination of employment. In industrial relations practice, the imbalance of power between workers and employers often encourages violations of workers' rights through the misuse of THL status for the sake of cost efficiency. Therefore, labor law functions to protect workers and to realize social justice in employment relationships.

## **METHOD**

This study employs a normative legal research method, namely research that focuses on the examination of legal norms governing employment relationships and the protection of workers. Normative legal research is chosen because the issues examined are directly related to written legal provisions, legal doctrines, and the prevailing principles of labor law.

This approach aims to understand how legal provisions regulate the status of Casual Daily Workers (Tenaga Kerja Harian Lepas) as well as the juridical implications of the misuse of such status on the protection of workers' normative rights. The approaches used in this research include the statutory approach and the conceptual approach. The statutory approach is conducted by examining various labor law regulations governing employment relationships, types of employment contracts, and worker protection. Meanwhile, the conceptual approach is used to understand legal concepts related to employment relationships, casual daily workers, and the legal protection of workers as articulated by labor law scholars.

## **RESULTS AND DISCUSSION**

The results of the study indicate that the use of Casual Daily Worker (Tenaga Kerja Harian Lepas/THL) status in the coal transportation sector in Jambi Province

is, in practice, often inconsistent with labor law provisions. Workers employed as THL generally perform their work on a continuous basis, are subject to the employer's authority, and receive wages regularly. Juridically, these conditions fulfill the elements of an employment relationship as recognized in labor law; therefore, such workers should be entitled to the same legal protection as permanent workers or workers employed under fixed-term employment contracts. However, THL status continues to be used by companies as a basis for limiting the fulfillment of workers' normative rights.

Normatively, the regulation of employment relationships and types of employment contracts has been clearly stipulated in the Labor Law, which states that an employment relationship arises from an employment agreement containing the elements of work, wages, and orders. This provision emphasizes that the determination of employment status is not based solely on the labeling of the contract, but rather on the legal facts occurring in practice. Furthermore, regulations concerning work that may be bound by a fixed-term employment contract restrict such work to that which is temporary or non-continuous in nature. Therefore, the application of THL status to core jobs performed continuously in the coal transportation sector contradicts these provisions.

The misuse of THL status has a direct impact on the fulfillment of workers' normative rights. In practice, THL workers often do not receive wages in accordance with applicable standards, are not registered in employment social security programs, and do not obtain adequate occupational safety and health protection. In fact, labor law provisions require employers to provide such protection to every worker without distinction based on employment status. Accordingly, restricting workers' normative rights solely on the basis of THL status constitutes an act contrary to the principle of worker protection as regulated in labor law.

In addition, the use of THL status also results in the loss of protection against termination of employment. THL workers may be dismissed at any time without clear mechanisms and without proper compensation. This condition contradicts legal provisions stipulating that termination of employment must be carried out based on valid reasons and through certain procedures. In the absence of certainty regarding the employment relationship, workers are placed in a highly vulnerable position and lack job security.

In the context of the coal transportation sector in Jambi, the practice of misusing THL status is often driven by considerations of operational cost efficiency. However, from a juridical perspective, efficiency reasons cannot be used as a basis to disregard labor law provisions. Labor law exists precisely to limit the power of employers and to provide protection to workers as the weaker party in employment relationships. Therefore, the use of THL status that does not comply with legal provisions constitutes a form of legal evasion that has the potential to harm workers and create legal uncertainty in industrial relations.

The misuse of THL status not only violates provisions governing employment relationships and employment contracts, but also results in the non-fulfillment of workers' normative rights as guaranteed by labor law. Weak labor inspection and supervision further exacerbate this condition, as violations that occur are often not firmly sanctioned. Therefore, strengthening labor supervision and law enforcement is essential to prevent the misuse of THL status and to ensure legal protection for workers in the coal transportation sector.

## **CONCLUSION**

The misuse of Casual Daily Worker (Tenaga Kerja Harian Lepas/THL) status in the coal transportation sector in Jambi Province is inconsistent with Indonesian labor law provisions, as an employment relationship is determined by the elements of work, wages, and orders, rather than by the designation of employment status. The application of THL status to core jobs performed on a continuous basis results in workers losing certainty of employment relationships and their normative rights, and reflects weak enforcement and supervision of labor law. This condition underscores the need for an active role of the state in ensuring the protection of workers' rights.

## **REFERENCES**

Amalia, D. N. (2023). *Perlindungan hukum bagi pekerja harian lepas terhadap kecelakaan kerja dalam pengangkutan barang milik perusahaan PT. PLTX Internasional di Kota Jambi* [Undergraduate thesis, Universitas Batanghari Jambi].

Asikin, H. Z. (Ed.), Wahab, A., Husni, L., & Asyhadie, Z. (2008). *Dasar-dasar hukum perburuhan*. Rajagrafindo Persada.

Dewanta, R. E. (2014). *Pelaksanaan pekerjaan tenaga harian lepas dalam bidang pelayanan publik berdasarkan surat perjanjian kerja Pemerintah Kota Malang dengan tenaga harian lepas*. Fakultas Hukum, Universitas Brawijaya.

Is, M. S., & Sobandi. (2020). *Hukum ketenagakerjaan di Indonesia*. Kencana.

Khakim, A. (2014). *Dasar-dasar hukum ketenagakerjaan Indonesia* (4th rev. ed.). Citra Aditya Bakti.

Prasetyo, B. (2024). *Perlindungan hukum bagi pekerja harian lepas yang menyepakati perjanjian kerja secara lisan (Studi kasus pekerja harian lepas PT Timebooth Teknologi pada periode 01 Januari 2023–30 Juni 2024)* [Undergraduate thesis, Universitas Indonesia].

Wijayanti, A. (2016). *Hukum ketenagakerjaan pasca reformasi* (6th ed.). Sinar Grafika.

Undang-Undang Republik Indonesia Nomor 13 Tahun 2003 tentang Ketenagakerjaan. (2003). *Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39; Tambahan Lembaran Negara Republik Indonesia Nomor 4279*.