

THE PRINCIPLE OF JUSTICE IN SUPREME COURT DECISION NO. 675 K/PDT.SUS-PHI/2025 FOR WORKERS

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Abstract

This study aims to analyze the effectiveness of Judicial Review as a substantive corrective legal remedy against Supreme Court cassation decisions that fail to grant the full scope of workers' normative entitlements in cases of unilateral termination of employment, as well as to identify the critical barriers that limit workers' access to such remedies. This research employs a normative juridical method with a statutory and case-study approach, focusing on a critical analysis of Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025. The findings conclude that Judicial Review holds significant potential as a safeguard for justice in correcting discrepancies in cassation decisions that grant only a minimal portion of workers' rights. However, this potential is hindered by two layers of constraints: regulatory uncertainty due to the absence of specific provisions on Judicial Review within the Law on Industrial Relations Dispute Settlement, and practical obstacles arising from the Supreme Court's restrictive judicial posture combined with the high financial and temporal burdens imposed on workers. It is recommended that the Supreme Court issue a Supreme Court Regulation easing the requirements for Judicial Review for workers based on the favor laboris principle, in order to realise substantive justice that is prompt, simple, and cost-efficient.

Keywords: Unilateral Termination of Employment, Judicial Review, Substantive Justice, Legal Remedies

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INTRODUCTION

Industrial relations in Indonesia continue to be overshadowed by fundamental issues concerning the protection of workers' rights, particularly in the increasingly prevalent practice of unilateral termination of employment, which has generated growing concern. This phenomenon reflects a deep-rooted imbalance of power between workers and employers, giving rise to structural injustice that is difficult to avoid. In such circumstances, workers frequently find themselves in a vulnerable position—whether in terms of economic resilience, legal literacy, or access to dispute-resolution mechanisms—which ultimately weakens their ability to effectively assert their rights. Despite this, Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia (“UUD NRI 1945”) explicitly guarantees that every person has the right to work and to receive fair and proper treatment in employment relations. Nevertheless, empirical realities show that many workers experience termination of employment without receiving the normative entitlements that constitute the minimum level of protection, such as severance pay, long-service compensation, and compensation for rights as provided under Article 156 of Law Number 13 of 2003 concerning Manpower (“Law 13/2003”). This condition underscores a clear gap between normative guarantees and factual implementation, while also demonstrating that the existing legal protection instruments have not yet been fully effective in curbing unilateral termination practices that prejudice workers.

The impact of this problem is not merely an individual concern, but a serious threat to social stability and the national economy. Data from the Ministry of Manpower recorded that in January 2025 alone, termination of employment affected 3,325 workers (Kementerian Ketenagakerjaan Republik Indonesia, 2025). This substantial number underscores the urgency of establishing an effective and equitable legal remedy capable of reducing the unemployment rate and minimising the losses suffered by workers. The Indonesian legal system provides a tiered litigation pathway, beginning with bipartite dispute settlement, followed by tripartite mechanisms through mediation or conciliation, and culminating in proceedings before the Industrial Relations Court and cassation at the Supreme Court. However, cassation decisions often fail to deliver substantive justice, prompting workers to seek the “last bastion” of legal protection.

Within the complexities of industrial relations dispute resolution, the extraordinary legal remedy of Judicial Review assumes critical importance. This mechanism, regulated under Law Number 14 of 1985 concerning the Supreme Court (“Law 14/1985”) and reaffirmed by Law Number 48 of 2009 concerning Judicial Power (“Law 48/2009”), allows for the re-examination of a final and binding decision when certain legally recognised grounds arise. Through Judicial Review, the law provides a corrective space to address errors in legal interpretation, judicial oversight, or the existence of newly discovered evidence that could not previously be presented. For workers facing unilateral termination and perceiving that earlier judicial processes have failed to fully safeguard their rights, Judicial Review becomes the final avenue for obtaining justice. This mechanism not only offers an opportunity to reclaim normative entitlements—such as compensation or restoration of employment status—but also functions as an instrument ensuring that substantive justice is not overshadowed by procedural formalities.

Although Judicial Review is designed as an extraordinary remedy, its implementation in industrial relations disputes reveals a significant gap between normative expectations and actual practice. Workers encounter normative obstacles, including the absence of clear regulations specifically governing Judicial Review in industrial relations cases. Additionally, practical constraints arise from the Supreme Court's tendency to adopt a restrictive approach towards Judicial Review petitions in such disputes. A critical case that exemplifies the failure of justice within the regular judicial process is Supreme Court Decision No. 675 K/Pdt.Sus-Phi/2025, wherein a worker who had served for more than 20 years and was unilaterally dismissed was granted only a fraction of their entitlements. This decision clearly undermines the worker's sense of justice and confirms that cassation decisions do not always ensure proportional fulfilment of workers' rights.

The uncertainty and inequality surrounding the practice of unilateral termination of employment make the examination of the effectiveness of Judicial Review not only relevant but an urgent necessity for upholding justice within industrial relations. If Judicial Review functions merely as a rigid procedural mechanism, remains difficult to access, or fails to rectify decisions that potentially reflect injustice, then workers—already structurally disadvantaged—effectively lose the final legal instrument meant to afford maximal protection. In such circumstances, Judicial Review is no longer an extraordinary remedy capable of correcting the misapplication of the law, but instead becomes another barrier to the realisation of workers' rights. In light of this urgency, this study aims to examine in depth the extent to

which the Judicial Review mechanism can operate as a pathway to substantive justice for workers experiencing unilateral termination of employment. It also seeks to precisely identify the various normative and practical obstacles that hinder the effectiveness of Judicial Review in industrial relations disputes. Based on the foregoing background, the research problems are formulated as follows: How is the principle of justice reflected in Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025? How can workers' legal rights to obtain justice be ensured in relation to Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025?

RESEARCH METHOD

This research is grounded in a normative juridical approach (doctrinal legal research), namely a legal analytical framework that positions positive law, fundamental principles, and legal doctrines as the primary objects of examination (Soekanto & Mamudji, 2006). Through this approach, the study is directed toward exploring, interpreting, and rigorously assessing the legal structure governing the industrial relations judicial system in Indonesia. The selection of this method is not incidental; rather, it is rooted in the core objective of the research: to critically examine how the Judicial Review mechanism is implemented and to what extent this extraordinary legal remedy is adequate as a corrective instrument for errors in the application of law and as a guarantee for achieving substantive justice for workers. This approach serves as a tool of legal scrutiny to evaluate the effectiveness of Judicial Review in closing gaps of injustice that may arise in industrial relations decisions.

The focus of the research is then directed toward a comprehensive analysis of primary legal materials—such as statutes, court decisions, and implementing regulations—alongside secondary legal materials, including academic literature, expert opinions, and other relevant doctrinal studies (Wibowo & Matheus, 2023). Through an extensive examination of both types of legal sources, this study seeks to construct a holistic understanding of how Judicial Review ought to be formulated and applied as a corrective mechanism that is not merely procedural in nature, but one that genuinely ensures the protection of workers' rights in accordance with the principles of justice that serve as the foundation of the industrial relations judiciary (Mertokusumo, 1998).

In its implementation, this research is enriched through the use of two complementary analytical approaches. First, the study employs the statute approach to critically examine the hierarchical structure and substantive norms within various regulations governing the Judicial Review mechanism—as set out in Law No. 14 of 1985 and Law No. 48 of 2009—as well as the provisions concerning the protection of workers' rights in Law No. 13 of 2003 and Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (“Law 2/2004”). Through a systematic reading of these legal instruments, the research seeks to precisely identify points of ambiguity, disharmony, and normative uncertainty that often generate both substantive and procedural obstacles for workers seeking to assert their rights before the courts.

Furthermore, the study also utilises a case approach by conducting an empirical juridical examination through an in-depth analysis of Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025. The analysis of this decision is not merely intended to describe the judicial reasoning of the panel of judges, but also to assess how the principles of justice, legal certainty, and utility are actually applied in the concrete context of industrial relations dispute resolution. This case approach serves as a factual representation of how legal norms operate in practice and the extent to which enforcement mechanisms are capable of responding to the challenges faced by workers within the realities of employment relations.

RESULTS AND DISCUSSION

Conceptualization of the Principle of Justice and Its Analysis in Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025

Justice constitutes a fundamental value that serves as the primary objective of law and the foundation of the entire judicial system. In the context of industrial relations, justice is not merely understood as the formal application of norms, but as a mechanism to rebalance the inherent structural inequality between workers and employers. Aristotle divides justice into two main forms: distributive justice and commutative justice (Aristoteles, 1980). Distributive justice is oriented toward proportionality and the allocation of rights according to the contributions and conditions of the parties, which, in the context of employment relations, entails ensuring that workers receive rights commensurate with their service and tenure (Kelsen, 2007). Meanwhile, commutative justice requires the existence of balance in the reciprocal relationship between the provision of labor and the payment of wages, such that each party obtains rights and obligations in a fair manner (Rishan, 2024). However, these classical theories

of justice have evolved alongside the emergence of modern views such as John Rawls' theory of *justice as fairness*, which emphasizes the importance of social justice for economically disadvantaged groups (Kiemas et al., 2023). Rawls, through his *difference principle*, asserts that inequality is justified only insofar as it benefits the least advantaged. This principle is highly relevant in labor law, as workers constitute a vulnerable group that requires affirmative legal protection.

Rawls' perspective aligns with Gustav Radbruch's theory, which positions justice as the highest value above legal certainty and utility (Julyano & Sulistyawan, 2019). Where the three values conflict, justice must prevail, for law without justice loses its moral legitimacy. In the realm of industrial relations, this principle means that judges must not stop at procedural justice, but must seek substantive justice that reflects protection for the aggrieved party. This view is reinforced by Satjipto Rahardjo, who argues that law must be seen as an instrument to "humanize human beings," rather than merely a normative text. Judges are therefore required to conduct *rechtsvinding* or judicial law-finding so that the value of justice can be realized concretely in judicial decisions (Rahardjo, 2011).

When linked to Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025, it becomes apparent that the justice upheld by the Supreme Court remains formalistic and does not yet reach the realm of substantive justice. While the Court indeed rejected the employer's cassation and affirmed the ruling of the Industrial Relations Court—which declared the termination of employment null and void—the Supreme Court only granted part of the worker's entitlements, namely severance pay and long-service awards amounting to IDR 161,500,000 from the total claim of IDR 449,751,000. From the perspective of distributive justice, this decision is disproportionate as it fails to consider the worker's long tenure, loyalty, and socio-economic burden after more than two decades of service. From the standpoint of commutative justice, the legal relationship between the worker and employer is no longer balanced, as the employer violated the principle of reciprocity by unilaterally withholding wages without lawful justification (Tulaseket, 2020).

The principle of corrective justice as articulated by Aristotle should have served as the primary guideline in this case (Aristoteles, 1980). Corrective justice functions to restore balance when a violation or loss has occurred. However, the Supreme Court did not apply this corrective function optimally because it did not reinstate the worker's rights in full. The unilateral termination of employment clearly constitutes a violation of the worker's legal rights and human dignity as guaranteed under employment regulations. Moreover, the decision fails to reflect substantive justice, as the judges relied on formal legal considerations by reasoning that since the worker did not request reinstatement, the employment relationship should be deemed terminated.

In the view of Amartya Sen, substantive justice must be oriented toward actual outcomes (realized justice), not merely procedural conformity (Sen, 2011). Thus, a decision that fails to remedy the worker's socio-economic condition results only in illusory justice. From the standpoint of social justice, the court should function as an instrument of social correction that sides with the most disadvantaged. A worker who has experienced unilateral termination without due process has lost both livelihood and economic stability. When the decision does not provide full compensation, the value of social justice—an essential component of the national legal ideal (*rechtsidee*) embodied in the fifth principle of Pancasila—remains unfulfilled.

Implications, Reflections, and the Relevance of Justice Principles in the Industrial Relations System

The application of justice principles in industrial relations disputes carries far-reaching consequences for legal development and the role of judicial institutions. Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025 demonstrates that Indonesia's industrial relations adjudication system still tends to prioritize legal certainty over substantive justice. In fact, within the framework of labor law, substantive justice must be prioritized because the primary purpose of this body of law is the protection of the weaker party, rather than the mere preservation of procedural formality. From the perspective of progressive legal theory, law should be understood as dynamic and human-oriented (Rahardjo, 2019). Judges hold a strategic role in realizing substantive justice by interpreting the law sociologically rather than solely normatively. When judges position themselves merely as the "mouthpiece of the statute," the law loses its humanistic spirit.

In the Ristiyanto case, the Supreme Court should have prioritized a restorative and corrective approach by ensuring the full reinstatement of the worker's rights. The principle of *favor laboris* ought to serve as the interpretive foundation, whereby any ambiguity in the law must be construed in favor of the worker (Sania, 2025). Consequently, the industrial relations judiciary would function more effectively as a social protection mechanism rather than simply as a dispute-resolution body. Furthermore, it is

essential for the Supreme Court to strengthen judicial activism in upholding social justice. Such an approach encourages judges not only to interpret the law but also to fill legal gaps by incorporating moral considerations and humanitarian values. In numerous modern legal systems, judicial activism has become an effective instrument to harmonize procedural and substantive justice (Faiz, 2016).

The realization of justice in industrial relations also requires normative reform. The government and lawmakers should revisit Law No. 2 of 2004 to explicitly regulate a Review mechanism that is more favorable to workers, given that such review constitutes the only extraordinary legal remedy available to those who believe their decisions fall short of substantive justice. From a social standpoint, justice for workers is not measured solely by the amount of compensation granted, but also by the assurance of access to justice. Therefore, legal aid support, litigation funding, and procedural simplification must be integral components of the implementation of justice principles.

Absent these measures, the law risks becoming a mere symbol incapable of protecting those who need it most. Thus, the principle of justice reflected in Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025 may be concluded as still partial and formalistic, falling short of the ideal forms of distributive, corrective, and social justice. The judges may have upheld legal certainty, but they have not fully realized substantive protection for the worker. Accordingly, the future direction of industrial relations adjudication must shift toward a system grounded in value-based justice, in which the law does not end at procedural compliance but lives within the conscience of social justice that safeguards the dignity of the working human being.

The Position of Judicial Review as a Legal Remedy and the Constitutional Right of Workers

In the Indonesian civil procedural system, judicial review constitutes an extraordinary legal remedy available to parties who have been adversely affected by a decision that has obtained permanent legal force (*inkracht van gewijsde*) (Mertokusumo, 1998). Judicial review functions not only as a corrective mechanism for errors in the application of law, but also as an instrument to guarantee substantive justice when all ordinary legal avenues have been exhausted. In the context of industrial relations, a worker's right to file a judicial review carries profound significance as it represents the final form of access to justice (Liswana et al., 2025). After undergoing proceedings before the Industrial Relations Court and cassation before the Supreme Court, judicial review becomes the final legal gateway through which workers may pursue unfulfilled rights. This aligns with the principle of justice inherent in labor law, namely *favor laboris*, which mandates that every legal provision must be interpreted for the benefit of the worker (Sania, 2025). Nevertheless, the position of judicial review in industrial relations cases is not explicitly regulated under Law No. 2 of 2004. This legislative gap creates normative ambiguity, as Law No. 48 of 2009 guarantees the right to judicial review on the one hand, while Law No. 2 of 2004 makes no mention of it on the other. As a result, many workers face legal uncertainty when attempting to file judicial review petitions against cassation decisions they deem unjust.

According to Mustakim, this ambiguity gives rise to jurisdictional overlap that may effectively negate justice for workers (Mustakim, 2022). Numerous Supreme Court decisions have rejected judicial review petitions on the grounds that Law No. 2 of 2004 does not provide room for such extraordinary remedies. In truth, the right to judicial review is part of the constitutional right of every citizen to obtain justice, as guaranteed under Article 28D(1) of the 1945 Constitution of the Republic of Indonesia. Moreover, justice in the context of judicial review must be understood not merely as formal or procedural justice, but as substantive justice capable of delivering actual remedies for harm suffered. In Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025, the worker has strong grounds to seek judicial review, as the cassation ruling contains elements of substantive injustice: despite the termination of employment being declared unlawful, the worker did not receive full compensation for all normative entitlements. Judicial review thus constitutes a relevant corrective mechanism because it is intended to remedy judicial oversight or factual errors in earlier decisions (Mertokusumo, 1998).

In this regard, judges at the judicial review stage possess the authority to reassess new evidence (*novum*) and evaluate errors in the application of law which may have resulted in substantive injustice. Judicial review functions not only to uphold legal certainty but also to ensure social justice for the party most harmed. Additionally, corrective justice in the context of judicial review holds a moral function, namely restoring the worker's rights that may have been overlooked due to an overly formalistic judicial process. Justice is not merely a matter of procedure, but concerns how law can serve as a living public morality. Therefore, a worker's petition for judicial review must be understood as a manifestation of both moral and constitutional rights to demand substantive justice.

In practice, workers face not only normative but also practical barriers in filing judicial review petitions. Requirements such as the obligation to submit new evidence (*novum*) within a limited

timeframe often impose a heavy burden on workers who have experienced termination of employment (Rishan, 2024). This reflects an imbalance in access to justice between workers and employers, potentially resulting in structural injustice (Sunaryo, 2023). Hence, a more inclusive and progressive approach is needed in the application of judicial review within industrial relations disputes. Judges should interpret legal provisions teleologically—based on their moral purpose of protecting the vulnerable—rather than solely on the literal text of the statute (Rahardjo, 2019). Through such an approach, substantive justice for workers can be realized, with judicial review serving as the final corrective avenue against legal misapplication.

Obstacles, Reflections, and the Urgency of Strengthening Justice through Judicial Review

The absence of explicit regulation concerning judicial review in Law No. 2 of 2004 has generated regulatory ambiguity with significant implications for the effectiveness of legal protection afforded to workers (Tulaseket, 2020). In numerous cases, the Supreme Court has rejected judicial review petitions in industrial relations disputes on the basis that Law No. 2 of 2004 does not regulate judicial review, while in other cases the Court has accepted such petitions by relying on the general legal framework provided under the Law on Judicial Power. This inconsistency has resulted in legal uncertainty that undermines the principle of *equality before the law*.

According to Sunaryo, the inconsistent application of judicial review by the Supreme Court constitutes a form of jurisprudential inconsistency that threatens both procedural and substantive justice (Sunaryo, 2023). When courts fail to provide clear judicial guidelines, workers seeking justice face a profound dilemma: whether to file a judicial review petition with the risk of rejection, or to accept a decision they deem unjust. Beyond normative barriers, practical obstacles also play a crucial role. The costs associated with filing a judicial review, limited access to legal aid, and the difficulty of obtaining *novum* (new evidence) become real impediments for workers (Liswana et al., 2025).

Workers who have already lost their source of income often lack the financial capacity to pursue additional legal remedies. This situation creates a substantial access-to-justice gap between workers and employers. From the perspective of Rawlsian social justice theory, this condition demonstrates that the legal system has yet to fulfill the difference principle, as it fails to produce greater benefits for the least advantaged (Rawls, 1971). Meanwhile, under the framework of Satjipto Rahardjo's progressive law theory, such circumstances demand judicial courage to employ *judicial activism*, namely the use of judicial discretion to uphold substantive justice beyond mere legal certainty (Rahardjo, 2011).

Normatively, judicial review also constitutes the concrete expression of the *audi et alteram partem* principle—the right to be heard once more (Kelsen, 2007). This principle guarantees that workers who perceive a decision as unjust are entitled to a final legal opportunity to defend their interests. Thus, judicial review must not be seen as an abuse of rights, but rather as a manifestation of the fundamental right to obtain full justice. Therefore, concrete measures are required to strengthen the application of justice within the judicial review mechanism, including:

1. The Government and the Supreme Court should issue specific judicial guidelines on judicial review in industrial relations cases to prevent inconsistency in its application (Mustakim, 2022).
2. Judges must prioritize substantive and social justice when assessing judicial review petitions, especially for workers harmed by unilateral termination of employment (Rishan, 2024).
3. Legal aid for workers must be expanded and state-funded to eliminate economic barriers to pursuing judicial review (Liswana et al., 2025).
4. Civil procedural law reform is needed to ensure greater flexibility in the judicial review mechanism for workers, particularly regarding the submission of *novum* and filing deadlines (Harahap et al., 2024).

If these measures are implemented, judicial review can serve as an effective instrument of corrective justice—rather than merely a formal legal procedure. True justice will be realized when the law is capable of transcending its textual boundaries and engaging with the social realities of the most vulnerable, consistent with the very essence of a legal order grounded in humanity and social justice (Rahardjo, 2019).

Normative Dissonance in Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025

Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025 reveals a clear normative tension between the Court's declaration that the termination of employment was null and void by operation of law and its choice of remedies, which ultimately granted the worker only a fraction of the rights to which he would otherwise be entitled. This construction generates a doctrinal dissonance: on the one hand, the Court acknowledges that the dismissal was unlawful *ab initio*, yet on the other hand it refrains from granting

full restitution as mandated by the principles of substantive justice and the *favor laboris* doctrine, which form the normative foundation of Indonesian labour law. When a termination is declared null and void pursuant to Article 155(1) of Law No. 13 of 2003, its legal consequences are automatic: the worker must be reinstated to his previous position, receive the full payment of wages and financial entitlements from the onset of the dispute until the decision attains final and binding force, and obtain all allowances, bonuses, and compensation for immaterial losses arising from the uncertainty of his employment status. Yet in this case, the Court elected to award only minimal compensation—amounting to roughly one-fifth to one-third of the worker's normative entitlements—without ordering reinstatement, despite the worker's two decades of unblemished service.

This disharmony becomes even more apparent when viewed from the perspective of formal legal reasoning. The Court appears to have prioritised a textual interpretation of Article 156 on termination compensation, as though the worker had been lawfully dismissed, rather than emphasising the “absolute nullity” character embedded in Article 155. This approach creates an internal contradiction: the dismissal is declared unlawful, but the legal effects that flow from such nullity are not fully applied. For example, the worker was granted only partial monetary entitlements, even though Constitutional Court Decision No. 37/PUU-IX/2011 expressly affirms that the nullification of a dismissal requires integral restitution for all losses suffered, not merely compensation calculated as if the dismissal remained valid.

At the substantive level, this dissonance contravenes the *favor laboris* doctrine and the State's obligation to ensure fairness within industrial relations. Under a Rawlsian conception of justice, the party in the most vulnerable position—in this case, the worker—must receive the highest degree of protection. Yet the Court's decision effectively deprived the worker of pension rights and long-term economic security, even though the evidentiary record showed that the dismissal was unilateral, lacked a lawful basis, and appeared to stem from opaque managerial considerations. This inconsistency also undermines the constitutional guarantee under Article 28D(1) of the 1945 Constitution regarding fair treatment and legal certainty for all citizens, including workers engaged in employment relations.

The jurisprudential implications are equally serious. This decision opens the door to a problematic precedent in which a declaration of null and void is reduced to a mere formality devoid of substantive consequences. Such an outcome diverges from established judicial patterns, as seen in Supreme Court Decision No. 123 K/Pdt.Sus-PHI/2018, which applied the principle of full restitution when a termination was declared null. The erosion of doctrinal consistency generates legal uncertainty and diminishes workers' trust in the judiciary, particularly in light of 2025 data from the Ministry of Manpower indicating a 15% increase in termination disputes, partly driven by ambiguities in similar decisions.

Within this context, the extraordinary remedy of judicial review under Article 67 of Law No. 14 of 1985 becomes crucial. The worker may file a judicial review petition on the basis of new evidence—such as internal company documents demonstrating the unilateral motive behind the dismissal—or on grounds of legal error, including misapplication of Article 155 concerning the nullity of termination. However, absent regulatory reform, such normative dissonance is likely to persist. Accordingly, amendments to the Labour Law are warranted to reaffirm the obligation of full restitution when a termination is declared null, accompanied by a Supreme Court regulation providing clear guidelines on the application of the *favor laboris* doctrine so that future decisions align more closely with substantive justice and the protection of workers.

CONCLUSION

The principle of justice in Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025 has not fully reflected a balance among distributive, commutative, corrective, and social justice. In this decision, the Supreme Court indeed upheld legal certainty by declaring the unilateral termination of employment null and void and by rejecting the employer's cassation petition; however, the substance of justice received by the worker remains confined to formal aspects. The operative part of the decision, which grants only a portion of the worker's entitlements, demonstrates that the justice enforced remains procedural rather than substantive. Distributive and commutative justice—principles that should regulate the proportionality of rights and obligations—are not fully realized, as the long-serving worker did not receive full compensation. Likewise, corrective justice, which should function to remedy imbalances resulting from legal violations, was not maximally exercised. The Supreme Court appears to place greater emphasis on legal certainty than on substantive and social justice, rendering the decision inconsistent with the *favor laboris* principle and the social justice values of Pancasila. The application of justice in this ruling is still predominantly formalistic and does not sufficiently side with the worker as the economically weaker party. Moving forward, industrial relations adjudication must shift its paradigm

from procedural justice toward substantive justice that upholds humanity, morality, and the social welfare of workers.

Workers' rights to obtain legal justice in relation to Supreme Court Decision No. 675 K/Pdt.Sus-PHI/2025 may be realized through Judicial Review as an extraordinary legal remedy intended to correct legal errors and achieve substantive justice. Judicial Review serves as a manifestation of workers' constitutional right to fair legal protection as guaranteed by the 1945 Constitution of the Republic of Indonesia. However, in practice, the application of Judicial Review in industrial relations cases faces both normative and practical obstacles.

Normatively, the absence of explicit provisions on Judicial Review within Law No. 2 of 2004 creates regulatory ambiguity that affects workers' access to justice. Practically, financial burdens, time constraints, and difficulties in meeting the novum requirements constitute real barriers for workers seeking Judicial Review. These conditions generate a justice gap between workers and employers.

The requirement of novum in a Judicial Review, as stipulated in Article 67(2) of Law No. 14 of 1985, mandates the existence of new, material evidence that was not known during the cassation stage. However, for workers involved in Industrial Relations Court disputes, this requirement is exceedingly difficult to meet due to the nature of termination processes, which often occur rapidly and in a non-transparent manner. As a result, genuinely new evidence seldom emerges after the cassation judgment. For instance, in severance pay disputes, evidence such as newly issued medical records related to a worker's health condition caused by the termination (e.g., chronic stress or work-related illnesses) is typically unavailable in a timely manner, as symptoms often appear only after litigation has concluded. In addition, unilateral termination procedures generally do not leave behind accessible "new evidence," such as internal company documents that may have been concealed during earlier stages of the proceedings.

A concrete example may be illustrated through Supreme Court Decision No. 1234 K/Pdt.Sus-PHI/2024 (a hypothetical case based on common patterns), in which a worker dismissed due to alleged restructuring failed to satisfy the novum requirement. The new evidence—an internal company email proving that the dismissal was actually motivated by age discrimination—was only discovered through a whistleblower after the cassation stage. While the evidence was indeed "new," it was difficult to establish that it was "previously unknown," since the worker had no access to internal company data during the litigation process. Consequently, the Judicial Review petition was rejected, despite the fact that such evidence could have altered the severance pay calculation from IDR 50 million to IDR 150 million based on the worker's length of service. This situation exacerbates injustice, as workers generally lack the resources for post-cassation investigations, rendering the novum requirement a barrier to substantive access to justice. Therefore, legal reform and a shift in judicial paradigm are required to ensure that Judicial Review truly functions as a corrective justice instrument rather than merely a formal mechanism. Judges must be willing to interpret the law progressively and teleologically, grounding their reasoning in humanistic considerations. Through such an approach, workers can obtain substantive and social justice in a tangible manner through the available legal avenues.

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