

Original Article

ANALYSIS LEGAL PROTECTION OF CONTRACT WORKERS FOR
REPEATED EMPLOYMENT RELATIONSM. Alvin Sofiandy^{1)*}, Wiwik Afifah²⁾^{1,2)} University 17 Agustus 1945 Surabaya, Indonesia*Corresponding Author, E-mail: malvinsofiandy@gmail.com

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ABSTRACT

Background. Fixed-term contracts that are often extended lead to a continuous employment relationship, creating legal concerns about employment status. The disparity in negotiating power between workers and employers results in a conflict between labor protection and corporate flexibility.

Research Purpose. This study analysis legal protection of contract workers in repeated employment relations, particularly the renewal or extension of fixed-term employment agreements and its impact on legal certainty, job security, and workers' rights.

Research Method. Using a qualitative case study approach, this research explores how repeated contract practices are experienced and interpreted by workers, employers, labour union actors, and labour law practitioners. Data were collected through semi-structured interviews, limited observation, and documentation, then analyzed thematically to identify recurring patterns.

Findings. The findings reveal three main themes: uncertainty of employment status, unequal bargaining position, and weak enforcement of compensation and protection mechanisms. Although repeated fixed-term contracts may formally comply with written employment requirements, they can weaken substantive protection when used for continuous and structurally necessary work. This study contributes to socio-legal scholarship by showing that labour protection should be assessed not only through statutory rules, but also through enforcement practices and workers' lived experiences.

Conclusion. The study imply the need for stronger labour inspection, clearer contract transparency, and improved legal literacy for contract workers.

Keywords: Contract Workers, Fixed-Term Employment, Legal Protection, Qualitative Case Study, Repeated Employment Relations.

BACKGROUND

Fixed-term employment has become an important legal instrument in modern labour relations because it allows employers to adjust the number of workers to the nature, duration, and operational needs of the business. In Indonesia, this type of employment is commonly known as *Perjanjian Kerja Waktu Tertentu* or fixed-term employment agreement. In principle, fixed-term employment is legally acceptable when it is used for work that is temporary, seasonal, project-based, or completed within a certain period. However, the legal problem arises when fixed-term contracts are repeatedly extended or renewed in practice, placing workers in a continuous employment relationship without adequate certainty regarding their employment status. This situation creates a tension between business

flexibility and labour protection, particularly because workers are generally in a weaker bargaining position than employers [1].

The regulation of fixed-term employment in Indonesia has undergone significant changes following the enactment of the Job Creation Law framework and its implementing regulations. Government Regulation Number 35 of 2021 regulates fixed-term employment agreements, outsourcing, working time and rest time, and termination of employment. Under this regulatory framework, the maximum period of a fixed-term employment agreement, including its extension, is generally limited to five years. The agreement must also be made in writing and registered with the competent manpower authority. These provisions are intended to provide legal certainty for both employers and workers, but they also raise a practical question: whether the five-year limitation and administrative registration are sufficient to prevent the misuse of repeated fixed-term employment [2].

The issue became more relevant after the Constitutional Court Decision Number 168/PUU-XXI/2023, which clarified several important aspects of Indonesian labour law. Legal commentaries on the decision explain that the Constitutional Court reaffirmed that all fixed-term employment agreements, including those based on certain work or projects, must be limited to a maximum duration of five years, including extensions. This clarification is significant because it narrows the possibility of interpreting fixed-term employment as an indefinite contractual arrangement disguised as temporary employment. Nevertheless, the effectiveness of this protection still depends on enforcement, legal awareness, and the ability of workers to challenge repeated contractual practices that may violate the spirit of labour protection [3].

From a legal protection perspective, repeated employment relations through fixed-term contracts may weaken the substantive rights of workers. Workers who are continuously employed under fixed-term contracts often remain vulnerable to uncertainty regarding contract continuation, access to stable income, career development, and protection against arbitrary termination. Although the law provides compensation for fixed-term workers at the end of the agreement, repeated contractual arrangements may still produce insecurity if employers use them to avoid converting workers into permanent employees. argues that the increasing use of fixed-term employment agreements may benefit employers while potentially ignoring rights that workers should obtain under the labour protection framework [4].

Previous studies have discussed legal protection for fixed-term employment workers after the Job Creation Law, but each study has a different emphasis. The protection of fixed-term employment contract workers under Law Number 6 of 2023, particularly in relation to working conditions and compensation [5]. This study is important because it shows that the Job Creation Law has changed the structure of labour protection for fixed-term workers. However, the study mainly focuses on the general legal framework and does not specifically examine repeated employment relations as a potential form of contractual abuse.

Another relevant study showed legal certainty in the implementation of fixed-term employment agreements after the enactment of Law Number 6 of 2023 [6]. The study highlights that the Job Creation Law and Government Regulation Number 35 of 2021 changed the earlier structure of fixed-term employment regulation by no longer using the previous two-year contract and one-year extension model. This finding is relevant because it shows that legal certainty remains a central issue in the post-Job Creation Law framework. However, the study primarily addresses legal certainty in general, whereas the present article focuses more specifically on the legal protection of workers facing repeated employment relations.

A further study discussed the reconstruction of justice principles in employment agreements after Constitutional Court Decision Number 168/PUU-XXI/2023. The study

explains that the decision sets the maximum duration of fixed-term employment at five years, including all possible extensions during the employment period. This contribution is useful because it links fixed-term employment regulation with the principle of justice [7]. Nevertheless, the study is broader in its discussion of employment agreements, while this article specifically positions repeated fixed-term employment relations as the main legal issue to be examined through the lens of worker protection.

Based on these previous studies, the originality of this article lies in its focus on repeated employment relations experienced by contract workers under fixed-term employment arrangements. This article does not merely describe the legal rules governing fixed-term employment, but critically examines whether repeated contractual relations are consistent with the principle of legal protection in Indonesian labour law. The novelty of this research is the integration of three analytical elements: the normative limitation of fixed-term employment, the principle of worker protection, and the legal consequences of repeated contractual practices. This approach is expected to clarify whether repeated employment relations should be treated as lawful contractual flexibility or as a practice that potentially undermines the protective function of labour law.

The significance of this research lies in the need to ensure that labour law does not only provide formal legality for employment contracts, but also substantive justice for workers. The legal issue examined in this article is how Indonesian labour law protects contract workers who experience repeated employment relations under fixed-term contracts. Therefore, the objective of this research was to analyze legal protection of contract workers in repeated employment relations, particularly by examining the limits of fixed-term employment, the obligation of employers, the legal position of workers, and the extent to which current regulations provide adequate certainty and fairness.

RESEARCH METHOD

This study employs a qualitative case study approach to examine legal protection for contract workers involved in repeated employment relations. The case study approach was selected because the research focuses on a specific legal and socio-labour phenomenon, namely the repeated extension or renewal of fixed-term employment agreements and its consequences for workers' legal certainty, employment status, and access to protection. Qualitative research is suitable for examining complex social and legal experiences because it enables the researcher to understand meanings, interpretations, and practices within their real-life context. In this study, the case study design allows the researcher to explore how legal norms on fixed-term employment are understood and implemented by workers, employers, and labour-related actors. This approach is also relevant because recent studies show that the protection of fixed-term employment contract workers in Indonesia remains an important legal issue, especially after the enactment of Law Number 6 of 2023 and its implications for working conditions, compensation, and legal certainty [8,9].

The research was conducted in Indonesia, particularly in workplaces and institutional settings where repeated fixed-term employment relations are commonly found. The fieldwork was planned for approximately three months, including the preparation of research instruments, data collection, data validation, and preliminary analysis. The participants consisted of contract workers who had experienced repeated employment contracts, human resource officers or company representatives, labour union representatives, and labour law practitioners or officials. Informants were selected using purposive sampling because the study required participants who had direct experience, authority, or knowledge related to the practice of repeated contract employment. The criteria for worker informants included having worked under a fixed-term employment agreement, having experienced contract

extension or renewal more than once, and being willing to share their employment experience. Snowball sampling was also used when initial informants recommended other participants who had similar experiences or relevant knowledge of repeated employment relations.

Data were collected through semi-structured interviews, limited observation, and documentation. Semi-structured interviews were used as the main data collection technique because they provide a balance between systematic questioning and flexibility, allowing informants to explain their experiences, perceptions, and legal understanding in detail [10]. The interview topics included the contract signing process, contract duration, renewal mechanisms, workers' understanding of their rights, access to compensation and benefits, and perceived barriers to obtaining permanent employment status. Limited observation was conducted to understand the work environment, employment administration practices, and interaction patterns between workers and management. Documentation was used to complement interview and observation data by examining employment contracts, company regulations, statutory provisions, government regulations, court decisions, and academic literature related to fixed-term employment agreements.

To ensure the validity and trustworthiness of the data, this study applied source triangulation, method triangulation, member checking, and an audit trail. Source triangulation was carried out by comparing information obtained from contract workers, company representatives, labour union actors, and labour law practitioners or officials. Method triangulation was conducted by comparing interview findings with observation notes and documentary evidence. Member checking was performed by returning important interview summaries or preliminary interpretations to selected informants to confirm whether the researcher's interpretation accurately reflected their statements. These procedures are important because qualitative research requires systematic efforts to strengthen credibility, dependability, confirmability, and transferability [11,12]. In addition, an audit trail was maintained by documenting interview guides, field notes, coding decisions, data reduction processes, and analytical memos so that the research process could be reviewed and replicated in a limited manner.

The data were analyzed using thematic analysis supported by the interactive model of Miles, Huberman, and Saldaña, which consists of data condensation, data display, and conclusion drawing or verification [13]. The analysis began with repeated reading of interview transcripts, observation notes, and legal documents to identify meaningful statements related to repeated contract practices and legal protection. The researcher then conducted open coding to classify significant data segments, followed by the development of broader themes such as legal uncertainty, continuity of employment relations, unequal bargaining position, administrative compliance, and obstacles to worker protection. Thematic analysis was selected because it enables the researcher to identify, organize, and interpret patterns of meaning within qualitative data in a flexible but systematic manner [14,15]. The emerging themes were then compared with relevant labour law provisions and previous academic studies to produce a grounded interpretation of how repeated fixed-term employment relations affect the legal protection of contract workers.

FINDINGS

The findings of this study reveal that repeated fixed-term employment relations create a layered form of legal vulnerability for contract workers. From the interviews, observations, and document analysis, three main themes emerged: legal uncertainty in employment status, unequal bargaining position between workers and employers, and weak enforcement of compensation and protection mechanisms. The first theme concerns the

uncertainty experienced by workers whose contracts were repeatedly extended without a clear transition toward permanent employment status. Several participants stated that they had worked for the same employer for years, but their legal status remained temporary. One contract worker explained, “I have worked here for almost four years, but every year I only receive a new contract. I do the same work as permanent workers, but my status never changes.” This statement illustrates that repeated contractual relations may blur the distinction between temporary work and permanent employment. In practice, the continuity of work does not always lead to continuity of legal protection. This finding is consistent with research argue that the post-Job Creation Law framework provides flexibility for contract renewal but also creates new challenges related to job insecurity and the implementation of workers’ rights [5].

The second theme concerns the unequal bargaining position between contract workers and employers. Most worker informants stated that they accepted repeated contracts because refusing the offer could mean losing their income. This situation shows that consent in contract renewal does not always represent equal negotiation. A participant noted, “I signed the new contract because I needed the job. I did not ask many questions because I was afraid the company would not extend my contract.” This finding indicates that contract renewal is often shaped by economic dependence rather than genuine contractual freedom. Observations of workplace practices also showed that contract workers tended to avoid questioning administrative procedures, benefits, or future employment status. Company representatives generally viewed contract renewal as a managerial necessity to maintain operational flexibility, especially when business demand fluctuated. However, from the workers’ perspective, repeated contract renewal created psychological insecurity and limited their ability to plan long-term career and family life. This finding supports argument that the simplification of fixed-term employment provisions under Law Number 6 of 2023 may reduce legal certainty and weaken worker protection if not accompanied by effective supervision [16].

The third theme relates to the weak enforcement of compensation and legal protection mechanisms. Although fixed-term employment regulation provides compensation rights at the end of the contract period, several participants stated that they did not fully understand the calculation, timing, or legal basis of such compensation. Some workers reported that compensation was paid late, partially paid, or not explained transparently. One participant stated, “When my contract ended, I received some money, but I did not know whether it was the correct amount. The company only said it was the final payment.” Documentation analysis of employment agreements also indicated that several contracts contained general clauses on contract duration and termination but did not clearly explain compensation rights, renewal mechanisms, or possible legal remedies. This finding is relevant to study that continuously extended fixed-term contracts remain a significant problem because workers may experience uncertainty over their legal status and rights [17]. Therefore, the issue is not merely the existence of legal rules, but also the accessibility, transparency, and enforceability of those rules in everyday employment relations.

DISCUSSIONS

The discussion of these findings suggests that repeated fixed-term employment relations reflect a tension between labour market flexibility and substantive legal protection. From a legal protection perspective, employment law should not only regulate formal contractual requirements but also prevent the misuse of temporary contracts for work that is continuous, regular, and structurally needed by the company. The findings show that formal compliance, such as providing written contracts, does not automatically guarantee substantive fairness when workers remain in repeated temporary status for long periods. This

supports the argument that legal protection must be understood not only as written regulation but also as an institutional practice that ensures fair treatment, legal certainty, and access to remedies. Compared with previous studies, this research strengthens the view that the post-Job Creation Law framework has expanded employer flexibility, but at the same time has created practical risks for workers when supervision, contract transparency, and compensation enforcement remain weak. The novelty of this study lies in its qualitative emphasis on workers' lived experiences, showing that repeated employment relations are not only a regulatory issue but also a socio-legal condition that shapes workers' sense of security, dignity, and bargaining capacity [18].

The practical implication of this study is that labour inspectors, employers, and policymakers need to strengthen the monitoring of repeated fixed-term contracts, particularly in cases where workers perform continuous work similar to permanent employees. Employers should provide clearer written information regarding contract duration, renewal limits, compensation rights, and complaint mechanisms. Labour unions and worker advocacy institutions also need to improve legal literacy among contract workers so that they can better understand their rights and available remedies. Theoretically, this study contributes to socio-legal research by showing that the effectiveness of labour law depends on the relationship between legal norms, institutional enforcement, and workers' everyday experiences [19,20].

The main contribution of this study lies in its socio-legal explanation of how contract workers experience repeated employment relations not merely as an administrative arrangement, but as a condition that affects legal certainty, job security, and workplace dignity. The study confirms that the effectiveness of labour protection depends not only on the existence of legal norms, but also on transparency, enforcement, and the ability of workers to understand and claim their rights. In this sense, repeated contract employment reflects a broader tension between business flexibility and the principle of fair labour protection.

Theoretically, this study enriches the literature on labour law by emphasizing the importance of examining employment contracts through both normative and empirical perspectives. Practically, the findings suggest that employers should provide clearer information regarding contract duration, renewal procedures, compensation rights, and complaint mechanisms. From a policy perspective, stronger supervision by labour authorities is needed to prevent the misuse of fixed-term contracts for permanent or continuous work. Labour inspectors, unions, and worker advocacy institutions should also strengthen legal literacy among contract workers so that they can better understand their rights and available remedies.

This study has several limitations that should be considered when interpreting its findings. First, the research employed a qualitative case study design, which provides an in-depth understanding of participants' experiences but does not aim to produce statistically generalizable findings across all employment sectors or regions. The results therefore reflect the specific socio-legal contexts in which the participants were situated. Second, the study relied primarily on semi-structured interviews, supported by limited observation and document analysis. As a result, the findings are influenced by participants' personal experiences, perceptions, and recollections, which may introduce subjective bias despite the use of data triangulation to enhance credibility. Third, the research focused on repeated fixed-term employment contracts without comparing different categories of employment arrangements, such as permanent employment or outsourced labor. Consequently, the study does not capture the broader variation in legal protection that may exist across different employment models.

Finally, the study examined the implementation of existing legal frameworks within a particular period. Given that labor regulations, judicial interpretations, and enforcement practices continue to evolve, future studies should adopt longitudinal and comparative approaches across industries and jurisdictions to examine how changes in regulatory enforcement influence legal certainty, employment security, and the protection of workers' rights over time. Future research could broaden this study by analyzing repeated fixed-term employment across various sectors and regions, as well as examining court decisions and labour inspection reports. This approach aims to enhance understanding of how to strengthen legal protections for contract workers while considering business flexibility.

CONCLUSION

This study concludes that repeated fixed-term employment relations create significant legal vulnerability for contract workers, particularly in relation to employment status, bargaining position, and access to protection. The findings show that the repeated extension or renewal of fixed-term contracts often places workers in a continuous employment relationship without adequate certainty regarding their future status. Although such contracts may formally comply with written employment requirements, their repeated use for work that is continuous and structurally needed by the employer may weaken the substantive protection intended by labour law.

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Conflict of Interest Statement

The author declares there is no conflict of interest during research and publication of this article.

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