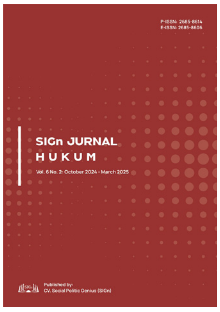

SIGn Jurnal Hukum

E-ISSN: 2685 – 8606 || P-ISSN: 2685 – 8614
https://jurnal.penerbitsign.com/index.php/sjh/article/view/v7n1-34

Vol. 7 No. 1: April - September 2025 Published Online: September 30, 2025

Article Title

Judicial Diagnostic Failure: A Deconstruction of Disharmony as a Rationale in Employment Termination Rulings

Author

Mahfud Siddik
Serikat Pekerja Elektronik dan Elektrik – FSPMI, Indonesia || *mahfudsiddik0@gmail.com*

How to cite:

Siddik, M. (2025). Judicial Diagnostic Failure: A Deconstruction of Disharmony as a Rationale in Employment Termination Rulings. *SIGn Jurnal Hukum, 7*(1), 598-613. https://doi.org/10.37276/sjh.v7i1.512

ABSTRACT

Industrial relations jurisprudence in Indonesia is confronted by a critical anomaly: the normalisation of using "disharmony" as a rationale to legitimise employment termination—a legal ground not enshrined in labour legislation. This research aims to critically deconstruct the judicial diagnostic failure inherent in this practice. It conducts an in-depth analysis of the ratio decidendi of Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg juncto Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 as a central case study. Employing a normative legal research method that combines statute and case approaches, this study examines the judicial logic and its underlying philosophical considerations. The research reveals that "disharmony" is not a valid legal cause; instead, it is merely a symptom of a deeper industrial conflict. The fatal judicial error lies in the failure to test the conflict's root cause against the exhaustive list of grounds for termination stipulated in the law. Furthermore, the study deconstructs how the principle of utility is misinterpreted as a pragmatic justification for unethical behavior. This interpretation, framed by Radbruch's theory of legal objectives, ironically sacrifices the pillars of legal certainty and justice. The findings confirm that normalizing the "disharmony" rationale sets a dangerous precedent that undermines the rule of law and the principle of worker protection. This research also offers an analytical framework for future judicial practice to prevent the recurrence of similar failures, particularly within the post-Job Creation Law legal regime.

Keywords: *Disharmony; Employment Termination; Industrial Relations; Judicial Diagnosis; Legal Certainty.*

INTRODUCTION

Employment termination is a pivotal event in the dynamics of labor relations (Muzakkir & Husen, 2025). Its impact extends far beyond the mere severance of a formal contract between an employer and a worker. For workers, the end of an employment relationship often signifies the loss of their primary source of livelihood, which directly implicates their inability to meet essential needs for themselves and their families (Husni, 2020). This phenomenon, as described by Fitria (2018), marks the onset of unemployment and its cascade of social and economic consequences. Consequently, Indonesian labor law is fundamentally designed to mitigate and prevent employment termination, establishing it as a last resort (*ultimum remedium*) to guarantee job security and broader social stability (Purnamasari et al., 2023).

The philosophical foundation of industrial relations in Indonesia is manifested in the concept of Pancasila Industrial Relations. This framework idealizes a harmonious relationship among stakeholders (Khakim, 2009). This harmony is not merely a state devoid of conflict but rather a productive and equitable partnership where workers are regarded as dignified human beings, not just as factors of production. The primary goal is to create and maintain this harmonious industrial relationship, an objective emphasized in numerous studies for its perceived role in fostering stability, productivity, and mutual welfare (Shalihah et al., 2022; Setiawan et al., 2025). This ideal order serves as the spirit of the governing legislation, the Manpower Law[1].

[1]Law Number 13 of 2003, as amended by Article 81 of Government Regulation in Lieu of Law Number 2 of 2022.

Ironically, the very concept of harmony, which is the intended goal, has been distorted in judicial practice. An antithetical terminology has emerged: disharmony. This term is no longer viewed as a problem to be resolved but as a justification for ending the employment relationship itself. The use of this rationale creates a fundamental paradox: a condition that industrial relations mechanisms are designed to prevent has now become a legal pretext to legitimize employment termination—the very outcome the system seeks to avoid. It indicates a paradigmatic shift in judicial practice that warrants critical examination.

This situation has given rise to a troubling juridical phenomenon: a sharp gap between the written legal norms (*das sollen*) and their judicial implementation (*das sein*). The Manpower Law exhaustively enumerates the valid grounds for employment termination, and "disharmony" is not listed among them. Nevertheless, in practice, this reason is frequently adopted by judicial panels at the Industrial Relations Court to decide cases. It occurs even when the employer's original stated grounds for termination are not proven in court (Hadistianto, 2022; Santoso, 2023). This practice effectively creates a new norm outside the statute (*contra legem*) through judicial decisions (judge-made law), which risks eroding the principle of legal certainty.

The discourse on using disharmony as a basis for employment termination is not entirely new within the legal scholarship of Indonesian labor law. Several prior studies have highlighted this issue from various perspectives. Parlindungan (2015), for instance, in a case study on Supreme Court Decision Number 374 K/Pdt.Sus/2012, concluded that disharmony cannot serve as a basis for termination as it is not stipulated in the statute. Meanwhile, Cristiantara and Nugroho (2023) analyzed "incompatibility" clauses in employment agreements as a form of vague norm representing disharmony. Another study by Gabriella and Atalim (2019) confirmed a similar trend through the analysis of a different court ruling, reinforcing that this phenomenon is not an isolated incident.

This study, however, offers novelty and originality by focusing on aspects that have not been deeply explored by previous researchers. *First*, the case study object, Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 will be analyzed not only for its formal legality but also for the logic and philosophical considerations employed by the judges. *Second*, and most fundamentally, this research critically deconstructs the use of the principle of utility as a validating pretext by judges—a justification often accepted without question. This study argues that a superficial interpretation of this principle has sacrificed the other two pillars of law: justice and legal certainty.

The urgency of this research lies in the potential systemic impact of a judicial practice that continuously relies on the rationale of disharmony. If left unchecked, this practice will establish a dangerous precedent that can be exploited by employers to terminate employment on subjective and baseless grounds. Furthermore, it directly undermines the right to work and the guarantee of job security, which are mandated by the 1945 Constitution and are central tenets of the Manpower Law. The values of justice for workers—the party with the inherently weaker bargaining position—are jeopardized by rulings that disregard the established legal framework.

Grounded in this problematique, this study aims to critically and in-depth examine the use of disharmony as a rationale in employment termination rulings, focusing on the analysis of judicial considerations in the selected case study. The anticipated contributions of this research are twofold. Theoretically, it is expected to contribute to the discourse on legal philosophy, particularly concerning the application of theories of justice and utility within the context of Indonesian labor law. Practically, the findings are intended to serve as constructive feedback for judges in the industrial relations courts and at the Supreme Court, as well as provide input for policymakers to consider the need for stricter regulations to prevent the misuse of the "disharmony" concept in the future.

METHOD

This study is structured as normative legal research, also known as doctrinal legal research (Qamar & Rezah, 2020). This methodological choice is predicated on the study's objective to examine and evaluate legal norms within judicial practice. Specifically, the research analyzes the judicial reasoning of judges. The focus of normative research is the analysis of legal materials, both as codified in legislation and as manifested in court decisions, to ascertain the coherence between ideal legal principles (*das sollen*) and their practical implementation (*das sein*). The primary object of in-depth analysis is Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017, which serves as the central case study for this research.

To comprehensively dissect this research object, two complementary approaches are employed: the statute approach and the case approach. The statute approach is applied by systematically examining the hierarchy of labor regulations, beginning with the 1945 Constitution and the Manpower Law, and extending to other related regulations. Concurrently, the case approach is used to conduct an in-depth examination of the court ruling that constitutes the case study, focusing on the legal reasoning and arguments constructed by the judges in deciding the matter.

The data sources for this study consist entirely of secondary data, obtained through the library research technique (Sampara & Husen, 2016). These secondary data are classified into three categories of legal materials. *First*, primary legal materials, comprising all relevant legislation and the authentic copies of the court rulings under review. *Second*, secondary legal materials, which include textbooks, scholarly journals, legal articles, prior research, and doctrines from legal experts, provide explanations and analyses of the primary materials. *Third*, tertiary legal materials, such as legal dictionaries and encyclopedias, serve a supporting role in clarifying technical terms.

The data analysis technique employs a qualitative method guided by a deductive reasoning framework (Irwansyah, 2020). The analytical process commences by identifying relevant general legal principles, norms, and theories, which are synthesized from the legal materials to form the major premise. Subsequently, the legal facts and judicial considerations within the case study are thoroughly analyzed and interpreted to establish the minor premise. Finally, a conclusion is drawn deductively by applying the major premise to the minor premise. This process is designed to address the research problem: to prove the existence of a judicial diagnostic failure and the erroneous application of the principle of utility in the aforementioned ruling.

RESULTS AND DISCUSSION

A. Disharmony as a Symptom of Industrial Conflict and Its Normalization in Jurisprudence

In the ideal framework of labor law, a harmonious industrial relationship is the fundamental objective to be achieved, not a prerequisite condition whose absence can instantly justify the termination of employment (Fransisco et al., 2025). Nevertheless, an anomaly has emerged in Indonesian judicial practice, where "disharmony" has transformed from a problem to be mediated into a legal justification for legitimizing employment termination (Safitri, 2024). The fundamental premise advanced in this analysis is that disharmony never arises from a vacuum. It is not an independent legal cause but rather a symptom or consequence of an underlying industrial conflict. The recurring judicial diagnostic failure lies in the tendency of judges to stop at the symptomatic level, without excavating and examining the actual root cause within the applicable legal framework.

Ironically, the normalization of the disharmony rationale stems from an intention that appears pragmatic on the surface. When confronted with termination disputes where the employer's stated reasons are found to be weak, judges often find themselves in a difficult position. On one hand, forcing the continuation of a fractured working relationship is considered unproductive. On the other hand, granting a termination without a valid legal basis would undermine the principle of legal certainty. It is within this dilemma that the concept of disharmony emerges as a judicial shortcut—a judge-made justification perceived as capable of offering a middle-ground solution, even if that solution lacks a solid normative foundation.

This pattern of judicial shortcuts is widely confirmed in various rulings from Industrial Relations Courts across Indonesia. Numerous precedents, such as those recorded in Court Decision Number 47/Pdt.Sus-PHI/2016/PN.Tpg and Court Decision Number 155/Pdt.Sus-PHI/2015/PN.Mdn demonstrates a similar legal reasoning (*ratio decidendi*). When the working relationship is deemed disharmonious, termination is considered the best course of action for the benefit of both parties. This recurring pattern indicates that the use of disharmony is not merely a series of casuistic incidents; instead, it has been normalized and has become a *de facto* judicial norm.

More pointedly, several studies have explicitly identified the critical moment when judges pivot to the disharmony rationale. Hadistianto (2022) and Santoso (2023), in their respective research, discovered a highly significant pattern: the “disharmony” argument is often adopted by a judicial panel precisely after the employer’s original grounds for termination fail to be proven in court. It starkly reveals the function of disharmony as a subsidiary or backup reason created by the judges themselves. This practice is fundamentally problematic because the court, which should be testing the legality of the employer’s actions, ultimately provides a new legal justification for that same employer.

This diagnostic failure becomes even more apparent when the root cause triggering the disharmony is, in fact, a legal violation by the employer. In the case study analyzed by Gabriella and Atalim (2019), the conflict originated from the improper application of Fixed-Term Employment Agreements (PKWT). Rather than examining and penalizing this violation, the judge’s reasoning leaped to the conclusion that the relationship had become disharmonious simply because the company no longer wished to continue it. Here, the symptom (the company’s unwillingness) was mistakenly identified as the disease, while the actual virus (the illegal use of PKWT) was ignored.

The danger of this normalization peaks when disharmony is used to justify termination following a worker’s exercise of their normative rights. In a strike action case analyzed by Rizza (2022), employment termination was carried out against strike organizers on the pretext that the relationship had become disharmonious. However, a strike is a fundamental right of workers guaranteed by law. By upholding a termination based on the resulting disharmony, the court indirectly creates a chilling effect, potentially delegitimizing the exercise of the fundamental rights to associate and voice dissent.

Looking further upstream, the seeds of conflicts that ultimately lead to a diagnosis of disharmony are often sown at the very outset. Research by Cristiantara and Nugroho (2023) meticulously demonstrates how the use of vaguely worded clauses in employment agreements serves as an entry point for disputes. Phrases such as "a feeling of incompatibility" are a prime example. Such subjective clauses grant employers excessively broad discretion to claim that disharmony exists. When the court subsequently accepts this reasoning, it implicitly validates and perpetuates the use of legally flawed employment agreements.

Synthesizing the various jurisprudential examples and analyses above, a disturbing pattern emerges. The normalization of the disharmony rationale has created a dangerous precedent. It sends a signal to employers that providing concrete, objective proof for termination has become less relevant than simply engineering a conflict until the relationship fractures. This situation is then brought to court with the confidence that a judge will resolve it with a "disharmony" stamp.

Conceptually, this practice represents a shift in paradigm from objectivity to subjectivity in legal reasoning. Labor law demands grounds for termination that are factually provable and measurable. In contrast, "disharmony" is an entirely subjective condition dependent on perception. When the court adopts this subjective standard, it abdicates its role as the guardian of the objective rule of law.

Thus, it can be concluded that the use of the disharmony rationale is not merely an issue of legal interpretation; it is a manifestation of a systemic failure to diagnose and resolve the root of a conflict in accordance with the governing legal framework. Having established the existence and problematic of this *de facto* practice (*das sein*), the next step is to construct the ideal normative framework (*das sollen*) that should serve as the standard.

B. The Legal Regime of Employment Termination: An Analysis of the Principles of Prohibition, Limitation, and Protection in Labor Legislation

To objectively evaluate the validity of using "disharmony" as a rationale, the fundamental first step is to construct the ideal and applicable normative framework (*das sollen*). Indonesia's legal regime for employment termination is not merely a compilation of procedural articles; it is a juridical architecture designed with a strong protective philosophy (Deviona et al., 2024). This architecture rests on three mutually reinforcing pillars: the principle of absolute prohibition, the principle of limited valid grounds, and the principle of protection as the primary objective. An analysis of these pillars will reveal that labor legislation has consciously foreclosed any room for subjective grounds for termination.

The first and most fundamental pillar of this protective architecture is the principle of absolute prohibition. This principle is explicitly enshrined in Article 153 of the Manpower Law, both before and after its amendment by the Job Creation Law. This article functions as a negative list—a juridical fortress that forbids employers from terminating employment for reasons related to a worker's fundamental rights. The prohibited grounds—such as illness, religious worship, marriage, pregnancy, or union membership—are not ordinary restrictions. They reflect the state's commitment to protecting human dignity within the employment sphere.

The significance of Article 153 of the Manpower Law extends beyond a mere list of prohibitions. It serves as a critical lens for detecting potential pretext behind claims of disharmony. As previously detailed, disharmony is often a symptom of an underlying conflict. This article provides a framework for diagnosing whether that conflict actually stems from a worker's attempt to exercise their fundamental rights. For instance, when a vocal union representative is subsequently terminated because the relationship has become disharmonious, this article compels a critical inquiry: Is this "disharmony" an objective fact, or is it merely a euphemism for union busting, an act explicitly forbidden by law?

The second pillar is the principle of limitation. It is the legislative conviction that valid grounds for employment termination must be finite, specific, and objectively verifiable. This principle has been a consistent thread throughout the history of Indonesian labor law. The most compelling historical evidence is the existence of the now-annulled Article 158 of the Manpower Law, which regulated termination for serious misconduct. Although this article was later nullified by Constitutional Court Decision Number 012/PUU-I/2003, its prior existence lends support to this argument. It demonstrates the original legislative intent to create an exhaustive list, even for the most severe offenses.

The annulment of the former Article 158 of the Manpower Law by the Constitutional Court did not open the floodgates for interpretive freedom. On the contrary, it affirmed a more fundamental principle: a termination based on grounds that have criminal implications must be predicated on a final and binding legal judgment from a criminal court, not on the employer's subjective assessment. Constitutional Court Decision Number 012/PUU-I/2003 implicitly sent a powerful message to the entire legal system that every reason for termination must be based on legally verifiable facts. This decision is fundamentally at odds with the use of "disharmony" as a rationale, which is essentially a subjective and perceptual concept.

The third pillar, representing the culmination of this legal evolution, is the codification of the current normative framework in Article 154A of the Manpower Law. This article presents a comprehensive and explicitly limited positive list of grounds that justify employment termination. Its inclusion should be interpreted as a legislative effort to provide maximum legal certainty and to foreclose debate on any grounds outside those stipulated. This list covers various conditions, from company restructuring and efficiency measures to violations committed by the worker.

The structure of Article 154A of the Manpower Law is meticulously designed to demand concrete factual elements. For example, a termination for efficiency requires proof of the company's financial losses. A termination for a rule violation must be preceded by a formal and graduated warning process. Every point within this article necessitates objective proof. The absence of the term "disharmony" or other subjective phrases in this list is not a legislative oversight; it is a conscious and deliberative choice to affirm that an employment relationship can only be terminated for reasons that are concrete, factual, and legally defensible.

When these three pillars are synthesized, the architecture of Indonesia's employment termination regime emerges as remarkably clear and robust. The law proactively shields workers from termination based on the exercise of their fundamental rights, as outlined in Article 153 of the Manpower Law. Simultaneously, it provides a clear and finite framework for employers to carry out terminations for valid and objectively proven reasons, as outlined in Article 154A of the Manpower Law. A firm line of demarcation exists between prohibited and permissible grounds. There is no juridical gray area between them to be filled by judicial discretion.

Consequently, the claim that judges possess the authority to create a new ground for termination, like "disharmony," becomes highly problematic. A judge's duty to unearth legal values within society (living law) cannot be interpreted as a license to create a new norm that is opposed to written statute (*contra legem*). Such an act risks demolishing the pillar of legal certainty, the very foundation of a state governed by the rule of law. This solid normative framework will serve as the absolute benchmark for the subsequent analysis.

C. Deconstructing the Judicial Diagnostic Failure: A Contextual Analysis of the Court Ruling and Projections Under the Job Creation Law Regime

The culmination of this study's analysis is the critical deconstruction of the legal reasoning (*ratio decidendi*) within the primary case study: Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision

Number 786 K/Pdt.Sus-PHI/2017. This section will demonstrate the existence of a fundamental judicial diagnostic failure. This failure will be analyzed through a two-layered approach: *first*, by examining the judge's reasoning under the legal framework applicable at the time of the ruling, and *second*, by projecting the ruling against the post-Job Creation Law regime to underscore the impossibility of a similar logic recurring in the future.

1. Contextual Analysis: The Flawed Logic of the Judiciary Under the Pre-Job Creation Law Regime

At its core, the reasoning of the Judicial Panel in Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 culminates in a pragmatic conclusion: when a working relationship is no longer harmonious and one party no longer desires its continuation, the best solution, for the sake of utility, is to terminate it. From a superficial perspective, this logic might sound reasonable as an attempt to find a peaceful resolution. However, upon rigorous legal analysis, this reasoning reveals a fundamental and perilous flaw that undermines the rule of law.

The first and most fatal flaw is the judge's failure to diagnose the root cause of the disharmony. As has been argued, disharmony is a consequence. The primary duty of the court should have been to identify the original cause of this discord. Was it triggered by a violation committed by the worker? Was it due to a rights dispute where the employer failed to fulfill its obligations? Or did it stem from legitimate union activities? Without conducting this diagnosis, the judge bypassed the most crucial evidentiary stage. By rendering a verdict based solely on the symptom, the court failed to fulfill its core function of seeking the material truth.

The second flaw is the violation of the principle of limited grounds for termination, which was already in effect at that time. Even within the pre-Job Creation Law framework, this principle was robust. The existence of a specific list of termination grounds, coupled with the precedent set by Constitutional Court Decision Number 012/PUU-I/2003 concerning the former Article 158 of the Manpower Law, which demanded objective proof, should have served as clear guideposts for the judiciary. Instead of testing whether the facts of the case met the statutory elements, the judge created a new category. This action directly contradicts the principle of legality and sets a precedent where the court can act as a shadow legislator.

It is where the misapplication of the principle of utility becomes central. By basing the decision on utility, the court in this case implicitly adopts a simplistic utilitarian perspective: the greatest good is measured by the outcome that causes the least trouble—namely, the separation of the two parties. However, this approach tragically ignores the more holistic framework of justice as conceptualized by Radbruch. According to Radbruch (1932), a just law must balance three fundamental values: Utility (*Zweckmäßigkeit*), Justice (*Gerechtigkeit*), and Legal Certainty (*Rechtssicherheit*).

In this ruling, the narrow pursuit of utility has sacrificed the other two pillars brutally. Legal Certainty was sacrificed because the court created a new ground for termination outside the statute, making the rules of engagement unpredictable. Justice was sacrificed because the decision risks penalizing the weaker party (the worker) for a condition (disharmony) that may not have been their fault. Thus, the utility achieved by the court was not juridical but rather pragmatic, ultimately corroding the legal order itself.

2. Projective Analysis: The Normative Fortress of the Job Creation Law Against Similar Diagnostic Failures

If the judicial reasoning in Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 was already proven to be highly problematic; the post-Job Creation Law legislation renders a similar logic even more indefensible. The changes introduced, particularly through Article 154A of the Manpower Law, serve as a thicker and more explicit normative fortress. This bulwark is designed to prevent the recurrence of such judicial diagnostic failures in the future.

Article 154A of the Manpower Law expressly and limitively codifies the grounds that justify employment termination. Its presence reinforces and clarifies the principle of an exhaustive list, which may have previously left room for interpretation. Should a judge today be confronted with an identical case, they would no longer have the luxury of resorting to abstract concepts like "disharmony." Their juridical obligation is unequivocal: *first*, to identify the factual cause of the conflict, and *second*, to match that cause against the enumerated list in Article 154A of the Manpower Law. If no match is found, the termination is, by law, invalid.

Moreover, the combination of the positive list in Article 154A and the negative list in Article 153 of the Manpower Law creates a closed and comprehensive diagnostic system. A judge is now imperatively required to ask: Is the cause of the "disharmony" one of the prohibited grounds in Article 153 (e.g., union activity)? If so, the termination is void by operation of law. If not, is the cause one of the justified grounds in Article 154A (e.g., a proven violation)? If so, the termination may be upheld. If the cause falls into neither of these categories, then the termination has no legal basis.

Thus, the current legal regime effectively eliminates the gray area that was previously exploited by judicial discretion. This new legislation compels judges to return to their fundamental role: applying the law as it is written (*ius scriptum*). This projection provides a clear prescriptive guide for future judicial practice. Judicial diagnosis in employment termination cases must be conducted with rigor and discipline, adhering strictly to the list of grounds that has been limitatively codified by the legislature.

As a conclusion to this analysis, the judicial diagnostic failure in Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 serves as a critical case study. The ruling was erroneous in the legal context of its time, and it is rendered even more so when measured against the normative standards in force today. The hope is that the strengthening of the legal framework through the Job Creation Law can provide the momentum for the industrial relations judiciary to abandon the practice of creating extra-statutory grounds for employment termination.

CONCLUSIONS AND SUGGESTIONS

Based on the preceding analysis and discussion, it is concluded that the use of “disharmony” as a rationale to legitimize employment termination in Indonesian judicial practice is a manifestation of a judicial diagnostic failure. This phenomenon fundamentally contradicts the fundamental principles of labor law, which establish protection and legal certainty as its core pillars. This research demonstrates that disharmony is not an independent legal cause but rather a symptom or consequence of a preceding industrial conflict. By stopping at the symptomatic level, judges have taken a judicial shortcut that erroneously normalizes a subjective rationale that has no basis in legislation.

This diagnostic failure becomes even more apparent when juxtaposed with the limitative nature of the normative framework for labor law. As has been analyzed, both historically and in its current form, the legislature has consistently provided an exhaustive list of objective grounds for termination. Coupled with the absolute prohibitions on termination found in Article 153 of the Manpower Law, this legal regime unequivocally provides no room for judges to create new rationales outside of those that have been codified. It is especially true for a reason as susceptible to subjective interpretation as “disharmony.”

Furthermore, the deconstruction of the *ratio decidendi* of Court Decision Number 143/Pdt.Sus-PHI/2016/PN.Bdg *juncto* Supreme Court Decision Number 786 K/Pdt.Sus-PHI/2017 reveals a misapplication of the principle of utility. The pursuit of utility, interpreted merely as a pragmatic exit for both parties, fatally sacrificed the two more essential pillars of law: legal certainty and justice. Within the framework of Radbruch's theory of legal objectives, the judge's reasoning was imbalanced. It ultimately undermined the supremacy of law, which the judiciary is meant to uphold to protect the structurally weaker party. Thus, the practice of using disharmony as a rationale is proven to be a juridical anomaly that cannot be defended.

Based on these conclusions, several constructive suggestions are proposed. *First*, for the Supreme Court, it is recommended that a Supreme Court Circular Letter be issued. This circular should provide technical judicial guidance for judges within the Industrial Relations Court system. This guidance must affirm that judges are obligated to conduct an in-depth analysis to identify the original cause of a state of disharmony and to strictly test that cause against the restrictive list of termination grounds in Article 154A of the Manpower Law. It will prevent the recurrence of judicial diagnostic failures and standardize judicial practice to align with the principle of legal certainty.

Second, for legal practitioners and academics, these findings open avenues for further research. Studies could focus on the potential existence of other extra-statutory judicial norms that have formed within the industrial relations judiciary. Identifying and analyzing similar phenomena would provide a more comprehensive picture of the overall health of the Industrial Relations Court system in Indonesia. Finally, policymakers should consider incorporating a clarifying clause in future legislative revisions. This clause should explicitly state that conditions not enumerated in the articles governing termination grounds cannot serve as a basis for ending an employment relationship.

REFERENCES

The 1945 Constitution of the Republic of Indonesia. https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar

Cristiantara, A., & Nugroho, A. (2023). Analisis Yuridis PHK dengan Alasan Ketidakcocokan Para Pihak Pada Perjanjian Kerja PT Home Center Indonesia. *Novum: Jurnal Hukum, 10*(2), 131-140. Retrieved from https://ejournal.unesa.ac.id/index.php/novum/article/view/46575

Decision of the Constitutional Court of the Republic of Indonesia Number 012/PUU-I/2003 on the Judicial Review of Law Number 13 of 2003. https://tracking.mkri.id/index.php?page=web.TrackPerkara&id=012/PUU-I/2003

Decision of the District Court of Bandung Number 143/Pdt.Sus-PHI/2016/PN.Bdg on Samsul Arifin, et al. v. PT Artha Utama Plasindo. https://putusan3.mahkamahagung.go.id/direktori/putusan/54736f997de5feabd24da575150917a1.html

Decision of the District Court of Medan Number 155/Pdt.Sus-PHI/2015/PN Mdn on Arkia Gea v. Hotel Nusa Inn. https://putusan3.mahkamahagung.go.id/direktori/putusan/63299f12eaf8653f1a118022a0f27a44.html

Decision of the District Court of Tanjung Pinang Number 47/Pdt.Sus-PHI/2016/PN Tpg on Kasmirus Kopong Tadon S.IP v. PT. Alam Indah Bintan. https://putusan3.mahkamahagung.go.id/direktori/putusan/e5dbc3a8de0b55e0d031bb96b7ccef6f.html

Decision of the Supreme Court of the Republic of Indonesia Number 374 K/Pdt.Sus/2012 on Hidir Wiguna Sumarna v. PT Indocement Tunggal Prakarsa Tbk. https://putusan3.mahkamahagung.go.id/direktori/putusan/25571892959032a575f2f2f1ec9cf779.html

Decision of the Supreme Court of the Republic of Indonesia Number 786 K/Pdt.Sus-PHI/2017 on Samsul Arifin, et al. v. PT Artha Utama Plasindo. https://putusan3.mahkamahagung.go.id/direktori/putusan/1658fa84da47fad7bc8069f0e7f7d411.html

Deviona, A. A., Sriono, S., & Siahaan, N. (2024). Social Security and Compensation: Analyzing the Protection of Fixed-Term Employment Contract Workers under the Omnibus Law on Job Creation. *SIGn Jurnal Hukum, 6*(2), 85-96. https://doi.org/10.37276/sjh.v6i2.369

Fitria, A. (2018). Perlindungan Hukum Terhadap Pekerja atau Buruh yang Terkena PHK Akibat Efisiensi. *Lex Jurnalica, 15*(3), 323-331. Retrieved from https://ejurnal.esaunggul.ac.id/index.php/Lex/article/view/2612

Fransisco, F., Nugroho, A., & Natania, E. B. R. (2025). Non-Standard Employment Relationships in the Digital Era: A Normative Study on the Regulatory Void in Protecting Ride-Hailing Drivers. *SIGn Jurnal Hukum, 7*(1), 580-597. https://doi.org/10.37276/sjh.v7i1.503

Gabriella, L., & Atalim, S. (2019). Analisis Pemutusan Hubungan Kerja dengan Alasan Disharmoni (Studi Kasus Putusan Pengadilan Hubungan Industrial Nomor 121/Pdt.Sus-PHI/2018/PN.Bdg Juncto Putusan Mahkamah Agung Nomor 1942 K/Pdt.Sus-PHI/2018). *Jurnal Hukum Adigama, 2*(2), 1-26. https://doi.org/10.24912/adigama.v2i2.6519

Government Regulation in Lieu of Law of the Republic of Indonesia Number 2 of 2022 on Job Creation (State Gazette of the Republic of Indonesia of 2022 Number 238, Supplement to the State Gazette of the Republic of Indonesia Number 6841). https://peraturan.go.id/id/perppu-no-2-tahun-2022

Hadistianto, M. F. (2022). Problematika Regulasi Mengenai Daluwarsa Gugatan Perselisihan Hubungan Industrial di Indonesia. *Refleksi Hukum: Jurnal Ilmu Hukum, 7*(1), 1-18. https://doi.org/10.24246/jrh.2022.v7.i1.p1-18

Husni, L. (2020). *Pengantar Hukum Ketenagakerjaan Indonesia*. PT. Raja Grafindo Persada.

Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.

Khakim, A. (2009). *Dasar-Dasar Hukum Ketenagakerjaan di Indonesia*. PT. Citra Aditya Bakti.

Law of the Republic of Indonesia Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/196

Law of the Republic of Indonesia Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation Into Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856). https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1825

Muzakkir, A. K., & Husen, L. O. (2025). The Legal Status and Authority of the Interim President Director of the Regional Public Corporation for Water Utility of Makassar City. *Al-Ishlah: Jurnal Ilmiah Hukum, 28*(1), 62-81. https://doi.org/10.56087/aijih.v28i1.1028

Parlindungan, K. (2015). *Perlindungan Hukum Terhadap Pekerja Atas Pemutusan Hubungan Kerja dengan Alasan Disharmonis (Studi Kasus Mahkamah Agung Republik Indonesia Nomor: 374.K/Pdt.Sus/2012)* [Bachelor Thesis, Universitas Bhayangkara Jakarta Raya]. UBJ Library. https://repository.ubharajaya.ac.id/795

Purnamasari, W., Syarief, E., & Shahrullah, R. S. (2023). The Conflict of Trade Secret Protection and Workers' Rights in Non-Competition Clauses. *SIGn Jurnal Hukum, 5*(1), 168-181. https://doi.org/10.37276/sjh.v5i1.273

Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn).

Radbruch, G. (1932). *Rechtsphilosophie*. Quelle & Meyer.

Rizza, F. (2022). Mogok Nasional dalam Perspektif Hukum Ketenagakerjaan Indonesia. *Ekonomika45, 9*(2), 361-379. https://doi.org/10.30640/ekonomika45.v9i2.912

Safitri, N. N. (2024). Legal Protection for Workers with a Specific Time Work Agreement (PKWT) Viewed from a Labor Law Perspective. *Jurnal Pengembangan Ketenagakerjaan, 2*(2), 123-135. https://doi.org/10.59574/jpk.v2i2.111

Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.

Santoso, I. B. (2023). Legal Protection of Employees with a Specific Time Working Agreement within the Framework of the Rule of Law State in Indonesia. *Pena Justisia: Media Komunikasi dan Kajian Hukum, 22*(2), 243-261. https://doi.org/10.31941/pj.v22i2.3140

Setiawan, A. H., Sunandar, F. N., Juaeni, A., & Triestanto, J. (2025). Justice in Employment Law: A Philosophical Study of the Relationship between Employers and Employees. *International Journal of Law, Crime and Justice, 2*(1), 187-201. https://doi.org/10.62951/ijlcj.v2i1.529

Shalihah, F., Megawati, M., Suryadi, S., Zuliyah, S., & Muhammadi, F. (2022). Fixed-Time Employment Agreement Based on Legal Awareness to Realize Harmonious Employment Relationship. *Substantive Justice International Journal of Law, 5*(2), 178-192. https://doi.org/10.56087/substantivejustice.v5i2.184