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Directors' Legal Responsibility in Protecting Workers' Rights

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ABSTRACT

The protection of workers' rights is an integral aspect of responsible corporate governance. In Indonesia, corporate policies enacted by company directors frequently result in labor rights violations, including unilateral termination, wage neglect, and denial of social security. This article employs a normative juridical and comparative approach to analyze the intersection of labor law and corporate law in defining both the authority and liability of directors. The findings reveal that directors carry fiduciary duties and a duty of care, which may extend to safeguarding workers as stakeholders. Nevertheless, Indonesian legislation has yet to explicitly impose such responsibilities on directors in relation to worker protection. This article therefore recommends harmonizing relevant regulations and strengthening corporate governance principles based on social justice within industrial relations.

Keywords: Directors, Legal Responsibility, Workers' Protection, Labor Law, Corporate Law

INTRODUCTION

A corporation, as a legal entity, is not only responsible for achieving its business objectives but is also obliged to ensure the protection of workers' rights. Within the corporate structure, directors hold a strategic role in determining policy direction, including matters related to labor. In practice, however, there is often an imbalance between corporate interests and the protection of workers' rights. Decisions taken by directors in pursuit of operational efficiency or profitability may at times disregard fundamental aspects of labor protection.

This phenomenon raises a fundamental question regarding the extent of directors' legal responsibility when violations of workers' rights occur. Can directors be held personally liable for decisions that disadvantage employees, or does such liability rest solely with the corporate entity? This issue becomes increasingly relevant given the growing complexity of industrial relations and the need for an interdisciplinary approach between labor law and corporate law.

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Under Indonesian law, Law No. 40 of 2007 on Limited Liability Companies (the Company Law) stipulates that directors are fully responsible for managing the company in the interests of the company in accordance with its purposes and objectives. Article 97(3) of the Company Law provides that each director shall be personally liable for company losses if he or she is at fault or negligent in carrying out their duties. However, this provision primarily focuses on losses suffered by the company, without specifically addressing violations of workers' rights.

Meanwhile, Law No. 13 of 2003 on Manpower regulates the rights and obligations of both employees and employers in employment relations. Yet, it contains no explicit provision regarding directors' liability for violations of workers' rights arising from corporate policies or managerial decisions. This legal gap suggests the need for clearer regulation to ensure that directors are accountable not only to shareholders but also to workers, who constitute a key group of stakeholders within the corporation.

Accordingly, this study aims to analyze the scope, limits, and legal basis of directors' responsibility in guaranteeing the protection of workers' rights. The research employs a normative juridical approach, combined with case studies and comparative legal analysis, to generate constructive and prescriptive legal reasoning. The findings are expected to contribute to the development of Indonesian corporate and labor law, while also promoting the application of corporate governance principles grounded in justice and accountability.

RESEARCH METHODS

This study employs a normative juridical approach, which focuses on the examination of prevailing legal norms and statutory regulations. Within this context, the analysis is directed at Law No. 40 of 2007 on Limited Liability Companies and Law No. 13 of 2003 on Manpower, including the amendments introduced through the Job Creation Law. This approach is applied to assess the extent to which directors' legal responsibility can be interpreted and implemented in ensuring the protection of workers' rights.

In addition, the study applies both a conceptual approach and a case study approach. The conceptual approach is used to examine relevant legal theories, including corporate law theory, industrial relations theory, as well as the principles of corporate governance and corporate social responsibility (CSR). This approach reinforces the normative analysis with a comprehensive theoretical dimension. Meanwhile, the case study approach is conducted

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by reviewing examples of labor rights violations by major corporations in Indonesia, particularly in relation to mass layoffs (PHK) that significantly affect workers' fundamental rights.

To broaden the scope of analysis, the study also adopts a comparative law approach, by examining relevant regulations and practices in selected jurisdictions, such as Japan and the Netherlands. Japan is recognized for its legal system that emphasizes social justice within corporate structures, whereas the Netherlands adopts a stakeholder-oriented model of corporate governance. Furthermore, international instruments, such as the OECD Guidelines for Multinational Enterprises, are also referred to in order to assess how multinational corporations are expected to respect workers' rights within the framework of social responsibility and sustainable corporate governance.

LITERATUR REVIEW

Corporate Law Theory

Corporate law theory positions the board of directors as a vital organ within the corporate structure, entrusted with strategic authority in management and decision-making. As policy executors, directors are responsible for implementing the company's vision and mission to achieve its business objectives. Their role is not merely administrative, but carries significant legal implications since directors act on behalf of the company and owe fiduciary duties to both shareholders and other stakeholders (Easterbrook & Fischel, 1991). Thus, corporate law theory underscores the dual responsibility of directors to manage the corporation in both a legally accountable and ethically sound manner.

Moreover, directors' legal responsibilities extend beyond shareholder interests to include the protection of workers and third parties connected to the company's operations. Within this framework, directors' obligations consist of two principal duties: the duty of care, requiring them to exercise prudence and diligence in carrying out their tasks, and the fiduciary duty, obligating them to prioritize the company's overall interests without abusing their authority (Macey, 2008). Breach of these duties may result in directors' personal liability, particularly when negligence or abuse of power causes loss or harm. This highlights the crucial role of directors in ensuring that the corporation is not solely profit-oriented but also compliant with its legal obligations toward workers' welfare.

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In the context of labor law, corporate law theory has developed into a more inclusive concept of corporate governance by integrating the protection of workers' rights as part of corporate social responsibility (CSR). This perspective recognizes that corporations do not exist in isolation but are embedded in a broader socio-economic ecosystem, and therefore directors' responsibilities must extend to safeguarding workers' rights as essential stakeholders (Prima & Nasution, 2021). The implementation of this theoretical framework fosters a balance between business efficiency and social justice, ensuring that directors are not merely focused on profitability but also on sustaining equitable and harmonious industrial relations (Saragih, 2022). Hence, corporate law theory provides a strong conceptual foundation for analyzing and assessing directors' legal accountability in guaranteeing the protection of workers' rights.

Industrial Relations Theory

Industrial relations theory focuses on the interaction between employers, workers, and the government in shaping harmonious and sustainable employment relations. This theory acknowledges that labor relations are not merely economic contracts but also socio-political arenas in which differing interests between employers and workers are negotiated (Dunlop, 1993). Within this framework, industrial relations theory emphasizes the need for a fair balance between corporate objectives of efficiency and profitability, and workers' rights to protection, justice, and welfare in the workplace.

This balance is reflected in mechanisms such as social dialogue, collective bargaining, and constructive conflict resolution. The theory maintains that healthy and productive relationships between employers and workers can only be achieved through open communication, respect for workers' rights, and the adoption of fair workplace policies (Budiono, 2020). Conversely, when one party's rights are disregarded, industrial relations may deteriorate, threatening organizational stability and corporate productivity. Hence, maintaining equilibrium is essential for ensuring mutually beneficial and sustainable labor relations.

In the context of labor law, industrial relations theory serves as an important foundation for developing legal and policy frameworks that recognize the needs and rights of both parties. With the increasing complexity of globalized labor dynamics, the theory underscores the importance of interdisciplinary approaches that integrate legal, economic, and social dimensions in regulating employment relations (Prima & Saragih, 2021). Such approaches not only safeguard the stability of labor relations but also foster social justice within the corporate environment, thereby reinforcing the role of directors in ensuring the protection of workers' rights as part of broader corporate social responsibility.

Principles of Corporate Governance

The principles of corporate governance provide the fundamental framework for how companies are managed and supervised to ensure that their operations are both effective and ethical. At its core, corporate governance emphasizes transparency in decision-making, accountability in the performance of duties, and social as well as legal responsibility toward various stakeholders, including shareholders, employees, and the broader community. Through the implementation of these principles, corporations are expected not only to pursue financial gains but also to uphold integrity and long-term sustainability.

With respect to the role of directors, corporate governance requires them to perform their duties in good faith and with due diligence for the best interests of the company and its stakeholders. The principle of accountability obliges directors to justify their decisions and actions, particularly those affecting workers' rights and welfare. Equally significant is transparency, which demands sufficient and accessible disclosure of information to stakeholders in order to prevent corruption, abuse of power, and conflicts of interest.

Moreover, the principle of corporate social responsibility (CSR) has become an integral part of modern corporate governance. Corporations are expected not only to maximize economic value but also to address the social and environmental consequences of their operations (Prima, 2022). This aligns with the growing awareness that the protection of workers' rights and the promotion of harmonious industrial relations form part of corporate obligations in safeguarding business reputation and sustainability. Consequently, sound corporate governance must incorporate the protection of workers' rights as an inseparable component of corporate management.

Theory of Corporate Social Responsibility (CSR)

The theory of Corporate Social Responsibility (CSR) emphasizes that corporations are accountable not only to their shareholders but also to a wider range of stakeholders, including employees, communities, and the environment. CSR requires businesses to operate ethically and sustainably by taking into account the social and environmental impacts of their activities. Within this framework, the protection of workers' rights

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constitutes a central element, as employees are a vital resource that sustains corporate productivity and continuity.

CSR goes beyond the mere fulfillment of fundamental rights such as fair wages and occupational safety. It extends to the promotion of long-term welfare through training, career development opportunities, and the assurance of work–life balance. Companies are therefore expected to foster safe, healthy, and supportive working environments in which employees can maximize their contributions. This approach not only enhances employee loyalty and motivation but also generates a positive effect on overall corporate performance.

Furthermore, CSR theory underscores the importance of transparency and accountability in implementing social responsibilities, including those relating to labor protection. Corporations committed to CSR are required to openly disclose their programs and policies aimed at advancing workers' welfare, allowing for public and regulatory oversight. Such practices enhance corporate reputation while reinforcing governance structures oriented toward sustainability and social justice.

NORMATIVE ANALYSIS

Directors' Responsibilities under Law No. 40 of 2007

Law No. 40 of 2007 on Limited Liability Companies (UUPT) stipulates that the board of directors constitutes a corporate organ vested with managerial authority to administer the day-to-day operations of the company. Pursuant to Article 92 paragraph (1) UUPT, directors bear responsibility for strategic decision-making that directly affects corporate sustainability. This role requires a high standard of accountability, as every act of the board legally represents the will of the corporation as a juridical person. Accordingly, the principles of fiduciary duties and duty of care serve as the fundamental yardsticks for evaluating directors' conduct both legally and ethically.

The fiduciary duty obliges directors to act in good faith, with loyalty, and in the best interest of the company. Meanwhile, the duty of care imposes a standard of prudence and professionalism in every corporate decision. These principles, which are well established in corporate governance best practices under both common law and civil law systems, are recognized in Indonesian law but remain broadly formulated without explicit provisions addressing their implications for external stakeholders, particularly employees.

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Article 97 paragraph (3) UUPT further provides that directors may be held jointly and severally liable for corporate losses resulting from fault or negligence in the performance of their duties. This provision forms a solid legal basis for attributing personal liability to directors in cases of misconduct or abuse of authority. Nevertheless, the primary concern of this norm is losses sustained by the corporation itself rather than those incurred by third parties, including employees, whose rights also warrant protection under the principles of fair and sustainable labor relations.

In practice, numerous corporate cases in Indonesia reveal disparities in the protection of workers as a consequence of directors' decisions, such as mass layoffs, unilateral reduction of normative entitlements, or neglect of occupational safety standards, often justified under the banner of managerial efficiency. This underscores the urgent need to broaden the interpretation of directors' legal responsibilities so that liability extends beyond corporate losses to encompass violations of workers' rights as internal stakeholders essential to corporate continuity (Santoso & Dewi, 2023).

The absence of explicit statutory provisions requiring directors to safeguard workers' rights leaves a regulatory gap that calls for juridical reform. One possible development is the integration of labor protection principles within the corporate governance framework. Such integration would clarify the legal position of directors in modern industrial relations, which demand a balance between economic imperatives and the protection of labor rights. In this way, corporate law could be directed toward preventing conflicts and ensuring corporate social accountability in a more holistic and sustainable manner (Jamali & Karam, 2018).

Protection of Workers' Rights under the Labor Law

The protection of workers' rights constitutes a fundamental principle in the Indonesian labor law regime, as explicitly enshrined in Law No. 13 of 2003 on Manpower. This statute guarantees essential labor rights, including the right to a fair employment agreement, a decent wage, access to social security, and the assurance of occupational safety and health (OSH). Furthermore, it safeguards workers from unlawful or arbitrary termination of employment (PHK) without due process (Widjaja, 2019).

The employment agreement is the primary instrument governing industrial relations between employers and employees. Articles 50–59 of the Labor Law underscore the principles of fairness and balance, stipulating that employment contracts must not contain

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provisions detrimental to workers. Nonetheless, in practice, many employment agreements are drafted unilaterally by employers without adequate participation of employees, thus creating an imbalance in industrial relations. This situation is exacerbated by the relatively weak bargaining position of workers vis- à-vis corporate interests (Prima, 2022).

The entitlement to fair wages and social security is recognized under both national and international legal frameworks. In Indonesia, the implementation of minimum wage policies and social security programs (BPJS) reflects the state's obligation to ensure workers' welfare. However, widespread violations of minimum wage regulations and neglect of social security enrollment remain prevalent, particularly in the informal sector and small-to-medium enterprises, which are not fully integrated into the formal labor system (Santoso & Dewi, 2023).

Occupational safety and health (OSH) is specifically mandated under Article 86 of the Labor Law, obliging employers to provide a safe and healthy working environment. This provision has become increasingly relevant in the context of industrialization and the heightened risk of workplace accidents in manufacturing, construction, and mining sectors. Yet, weak labor inspections and the imposition of relatively light administrative sanctions contribute to persistent non-compliance by companies, resulting in direct threats to workers' well-being.

The enactment of Law No. 11 of 2020 on Job Creation (Omnibus Law) has revised significant provisions of the Labor Law, sparking widespread controversy among workers, academics, and legal practitioners. Critics argue that the amendments reduce labor protections, particularly in areas concerning termination of employment, outsourcing arrangements, and working hours flexibility. The law has been widely perceived as overly pro-investor while undermining social justice for workers, thereby creating a normative tension between business imperatives and labor rights protection.

Intersection of Directors' Responsibilities

The responsibilities of directors extend beyond financial and operational management to encompass social responsibilities toward stakeholders, including employees. Within the labor law context, directors play a decisive role in shaping corporate strategy and policy. Consequently, any decision that directly affects workers' rights must be guided by the principles of duty of care and fiduciary duty. Breaches of these principles may expose

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directors to personal liability, especially when their actions cause harm to employees (Kraakman et al., 2017).

Directors' labor-related responsibilities typically arise in three situations. First, when strategic business decisions such as cost-efficiency measures, restructuring, or mass layoffs directly violate workers' basic entitlements, including wages, severance pay, or job security. Second, when directors fail to exercise oversight over human resource management, particularly regarding compliance with OSH standards and social security obligations. Third, when companies deliberately evade statutory obligations to employees, for instance by misclassifying employment relationships or avoiding mandatory social security registration.

Despite these obligations, enforcement of directors' liability in labor law violations remains challenging. One major obstacle is the absence of explicit legal provisions linking corporate governance principles with labor protection. As a result, labor issues are often treated as administrative matters rather than legal risks requiring directors' systematic oversight. This gap leaves workers' rights subordinated to business considerations (Jamali & Karam, 2018).

Moreover, the doctrine of piercing the corporate veil—which in theory allows for directors' personal liability—has rarely been applied in labor-related disputes in Indonesia. Yet, many violations of workers' rights are direct consequences of board-level strategic decisions. Without effective accountability mechanisms, achieving justice for workers becomes exceedingly difficult.

Therefore, an integrative legal approach that harmonizes principles of good corporate governance with labor protection norms is urgently needed. Such an approach would not only strengthen the legal basis for directors' accountability but also foster more ethical and equitable corporate practices. Within this framework, workers' protection should be regarded not merely as a moral obligation, but as a legally enforceable responsibility under both national and international law.

CASE STUDY AND INTERNATIONAL COMPARISON

Case Study

The phenomenon of mass layoffs (PHK) in Indonesia's textile and retail industries vividly illustrates the fragility of workers' rights protection when confronted with corporate

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efficiency policies. In numerous instances, strategic decisions to dismiss employees are made unilaterally by the board of directors under the pretext of cost rationalization or market contraction. However, these decisions are frequently executed without ensuring the fulfillment of workers' normative rights, such as adequate severance pay, reasonable notice, or fair bipartite dialogue.

For instance, in 2023, a leading textile company in West Java terminated over 1,200 employees on the grounds of restructuring. The dismissed workers claimed they did not receive severance in accordance with the Manpower Law and were excluded from meaningful negotiations. In such circumstances, although directors were the decision-makers, legal accountability tended to be imposed solely on the corporate entity, leaving the directors' personal responsibility untouched.

Similar conditions occurred in the retail sector, where several large retail chains closed outlets and dismissed employees en masse. Workers often reported unclear communication regarding their employment future, and many faced delayed or unpaid entitlements. Managerially, such decisions clearly fall within the remit of directors, yet the absence of explicit statutory provisions on directors' duties toward employees rendered them immune from individual liability.

The weakness of state supervision and law enforcement has further exacerbated this injustice. Labor inspectors often act as mediators rather than proactive enforcers of labor law. Moreover, there is no explicit legal mechanism enabling the imposition of personal liability on directors whose policies systematically undermine workers' rights. As a result, workers are left legally and socially vulnerable.

These cases highlight the urgent need for legal reform that harmonizes corporate responsibility with direct protection of employees. A legal framework that permits the piercing of the corporate veil against directors, particularly when their policies lead to systemic violations of workers' rights, is necessary to foster socially responsible corporate practices (Dewi, 2023; Nugroho & Prima, 2022).

International Comparison: Directors' Liability in Worker Protection

Comparative legal studies demonstrate that Japan has developed a progressive approach linking directors' liability with labor protection. Japanese law adopts the principle of shakai kōsei (corporate social justice), embedding corporate social responsibility as an integral aspect of corporate governance. Directors are thus responsible not only to shareholders but

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also to employees as a core component of the corporate community. This principle materializes in employment policies emphasizing long-term job security and fairness during economic downturns (Araki, 2019).

Japanese courts, particularly the Supreme Court, have developed the abuse of right doctrine in employment termination cases. This doctrine provides that a director's decision, although formally lawful, may be invalidated if it disproportionately harms employees. Thus, directors are compelled to act with good faith and heightened prudence in employment-related policies.

In the Netherlands, the corporate governance framework adopts a stakeholder-oriented model, recognizing the interests of employees, consumers, and society alongside shareholders. A pivotal mechanism is the works council (ondernemingsraad), which grants employees participatory rights in strategic corporate decisions. Directors are therefore legally and morally obliged to assess the social implications of their policies. In practice, business decisions with significant employment risks must be consulted with the works council; failure to do so may render such decisions legally contestable.

Both Japan and the Netherlands illustrate that directors' liability for worker protection can be normatively and institutionally embedded. By adopting participatory and socially inclusive corporate governance, directors can be directed toward not only achieving business efficiency but also safeguarding social justice for employees. These models may serve as essential references for reforming Indonesian corporate and labor law in pursuit of a more equitable balance between economic interests and labor rights.

OECD Guidelines and the Integration of Social Responsibility into Corporate Governance

The Organisation for Economic Co-operation and Development (OECD) has issued the OECD Guidelines for Multinational Enterprises, a globally recognized soft law instrument regulating corporate conduct, particularly regarding social responsibility and workers' rights. Although not legally binding, the Guidelines are widely adopted by member states and serve as a normative framework for multinational corporations.

Central to the Guidelines is the respect for international labor standards, including freedom of association, collective bargaining, fair wages, and decent working conditions. Corporations are expected to ensure that their operations, whether direct or within global supply chains, do not lead to violations of workers' fundamental rights. This expectation

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establishes a transnational accountability mechanism, placing directors under obligations that transcend domestic jurisdictions (Muchlinski, 2021).

Furthermore, the Guidelines emphasize integrating Corporate Social Responsibility (CSR) into corporate governance structures. Directors are therefore required to formulate policies not only profit-oriented but also attentive to environmental sustainability, human rights, and social justice. This reinforces the stakeholder-responsibility model, positioning employees as essential actors in strategic corporate decision-making.

Although Indonesia still faces challenges in concretely implementing these principles due to weak supervision and minimal sanctions, the OECD Guidelines offer a normative foundation to expand directors' legal responsibilities toward workers. They act as a bridge between global ethical standards and national legal frameworks, compelling directors to demonstrate modern fiduciary commitments that extend beyond shareholder interests (OECD, 2011; Muchlinski, 2021)

CONCLUSION

First, in principle, directors may be held legally liable if the business decisions they make result in violations of workers' rights. Although the Indonesian Company Law (Law No. 40 of 2007) does not explicitly stipulate the obligations of directors in relation to labor protection, the concepts of fiduciary duty and duty of care provide room for a more progressive legal interpretation. In cases involving abuse of authority, negligence in supervision, or efficiency strategies that harm employees, the doctrine of piercing the corporate veil may serve as a basis for imposing personal liability on directors. This means that the protection of workers is not solely the responsibility of the corporation as a legal entity, but may also be attributed to the individuals who control the company's strategic decisions.

Second, within the current national legal framework, the position of directors in relation to labor protection remains in a grey area, since labor law and corporate law regulations have not yet been explicitly integrated into corporate governance mechanisms. However, developments in international law—such as the OECD Guidelines, the stakeholder-oriented governance model in the Netherlands, and the principle of social justice within Japanese corporate law—demonstrate a new direction that encourages recognition of directors' social responsibilities. Indonesia needs to move in a similar direction by

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strengthening its legal framework to connect corporate governance with the principle of labor protection, so that corporate law serves not only economic efficiency but also social justice and humanity in industrial relations.

Recommendations

First, the government and policymakers need to harmonize regulations between the Company Law and the Labor Law. This is essential to ensure that directors' obligations to protect workers' rights are explicitly regulated within the framework of corporate law. The addition of provisions integrating labor protection principles into directors' fiduciary duties would provide a stronger legal basis for imposing individual liability within corporate structures.

Second, more effective monitoring and enforcement mechanisms must be developed to address violations of workers' rights stemming from directors' strategic decisions. For instance, labor inspectorates should be granted sufficient authority and resources to conduct audits of corporate governance, particularly in cases with potential adverse impacts on workers. Furthermore, litigation procedures should be established to facilitate workers or trade unions in filing direct claims against directors.

Third, companies should adopt a stakeholder-oriented model of corporate governance rather than a shareholder-centric one. Directors must be guided and strongly encouraged to implement corporate social responsibility in concrete terms, including full respect for workers' rights. The implementation of the OECD Guidelines can serve as a practical reference for both multinational and domestic companies in conducting business in a sustainable and equitable manner.

Fourth, academics and legal practitioners in Indonesia are encouraged to conduct deeper studies and legal advocacy to promote legislative reform and enhance legal awareness among directors and company owners. Publications and seminars on the importance of directors' legal responsibilities in protecting workers should be expanded as part of efforts to improve the national business culture.

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