GIJLSS
Greenation International Journal of Law and Social Sciences
+62 81210467572 https://research.e-greenation.org/GIJLSS greenation.info@gmail.com
GREENATION RESEARCH

DOI: https://doi.org/10.38035/gijlss.v4i5.942
https://creativecommons.org/licenses/by/4.0/
Received: 18 May 2026 | **Revised:** 22 September 2026 | **Accepted:** 06 November 2026

Normative Critique of Labor Regulations in Social Enterprises: Efforts to Realize Legal Protection for Nonprofit Entities

Febri Jaya[1*], Ampuan Situmeang[2], Agustianto[3], Hanifah Ghafila Romadona[4]
[1]Universitas Internasional Batam, Batam, Indonesia, febri.jaya@uib.edu
[2]Universitas Internasional Batam, Batam, Indonesia, ampuan.situmeang@uib.edu
[3]Universitas Internasional Batam, Batam, Indonesia, agustianto@uib.edu
[4]Universitas Internasional Batam, Batam, Indonesia, hanifah@uib.ac.id

[*]Corresponding Author: febri.jaya@uib.edu[1]

Abstract: This study aims to analyze and critically examine the Indonesian labor law framework, which is considered insufficient in accommodating the unique characteristics of employment relationships within the social enterprise and nonprofit sectors. The primary issue addressed in this research is the incompatibility between labor law norms that are predominantly commercial in nature and the employment practices of social institutions oriented toward humanitarian missions rather than profit generation. This study employs normative legal research methods, utilizing statutory and conceptual approaches. The data used consist of secondary legal materials, including primary, secondary, and tertiary legal sources, which were collected through library research and analyzed qualitatively using descriptive-analytical reasoning. The findings indicate that Indonesian labor law has yet to provide specific regulatory frameworks governing social workers and nonprofit entities engaged in socio-economic activities. Provisions under Law Number 13 of 2003 on Manpower and Law Number 6 of 2023 on the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law remain predominantly oriented toward profit-based employment relationships. This orientation results in limited and disproportionate legal protection for workers in the social sector. This study concludes that the formulation of an ideal, adaptive, and humanistic labor law framework is necessary to ensure substantive justice for social workers while simultaneously providing legal certainty for nonprofit entities. The results of this study are expected to contribute conceptually to the development of a more equitable and legally certain labor law policy in Indonesia.

Keywords: Labor Law, Social Enterprise, Non-Profit Entity, Legal Protection.

INTRODUCTION

The development of social enterprises in Indonesia has increased significantly over the last decade. Social enterprises emerged as a form of economic innovation that is not solely oriented toward profit generation, but also emphasizes social values, humanitarian principles, and sustainability (Mawardi & Pratama, 2023). This business model is generally operated by

nonprofit entities, foundations, or social institutions that combine business principles with social missions. The existence of social enterprises has become an alternative solution to various social problems such as poverty, unemployment, and economic inequality (Nuryana, 2017). However, from the perspective of labor law, social enterprises present distinct challenges because their characteristics differ fundamentally from commercial corporations. Many social enterprises do not possess stable financial structures, making it difficult to fully implement labor obligations comparable to those in profit-oriented sectors (Sunija et al., 2020). This phenomenon indicates an urgent need for legal regulations that are more responsive to the characteristics of the social sector.

Within the Indonesian legal system, social enterprises still lack a clear legal definition. There are no specific regulations governing their legal status, institutional form, or employment relationships within nonprofit entities engaged in economic activities (Zahra et al., 2025). Most social enterprises operate under the legal framework of foundations, cooperatives, or other legal entities that are not directly regulated under labor law. Consequently, provisions concerning minimum wages, working hours, and social protection are often implemented informally without a clear legal basis (Ismail & Zainuddin, 2019). This situation creates legal ambiguity: on one hand, workers possess normative rights as regulated under labor legislation, while on the other hand, social enterprises are often unable to fully fulfill such obligations due to their nonprofit nature. This legal vacuum highlights the urgency of conducting a normative evaluation of existing regulations (Barid, 2020).

Indonesian labor regulations remain focused on a market-economic paradigm that places employment relationships within a commercial framework. Law Number 13 of 2003 concerning Manpower establishes universal obligations regarding minimum wages, severance pay, and social security without distinguishing the type of employing entity (Dalimunthe & Nst, 2024). This creates inequality for nonprofit entities that do not possess stable funding sources. On the other hand, the majority of workers in the social sector do not receive basic rights such as health insurance, occupational safety, and protection against termination of employment (Andari, 2020). This reality demonstrates that the implementation of labor law remains oriented toward economic efficiency rather than social justice. Thus, there is a gap between the applicable legal norms (das sollen) and the social reality that occurs (das sein).

This legal disparity demonstrates the existence of a regulatory gap within the national labor law system. Current regulations have not recognized the differing characteristics between profit and nonprofit entities. There are no legal norms regulating the legal status of social workers who work based on principles of voluntarism while remaining bound by certain work obligations (Putra et al., 2022). Furthermore, labor supervision within the social sector remains weak due to the absence of clear legal standards. This condition creates ambiguity in the implementation of rights and obligations, both for workers and institutional managers. As a consequence, legal protection for workers in the social sector becomes partial and dependent upon the internal policies of each institution (Wiradi & Rasji, 2024). The absence of adaptive substantive norms demonstrates the need for labor law reformulation in order to realize justice and legal certainty regarding the diversity of employment relationships within the social sector.

Normatively, labor law should not merely function to regulate economic relationships, but also to guarantee social justice for all forms of work activities. The principle of social justice embodied in the Preamble of the 1945 Constitution and Article 28D paragraph (2) affirms the right of every individual to receive fair treatment within employment relationships (Sinaga & Zaluchu, 2017). Therefore, ideal law must be capable of adapting to social realities without losing its substantive protective function (Ath Thooriq, 2023). Labor law regulations for social enterprises should recognize their dual characteristics as both economic and social

entities. Accordingly, responsive labor law is expected not only to uphold legal certainty, but also to reflect humanitarian values and social solidarity.

A normative critique is necessary to evaluate the extent to which labor regulations realize the principles of justice, legal certainty, and utility within the scope of social enterprises. This critique aims to improve the direction and substance of the law so that it corresponds with the needs of a dynamic society (Febrianto et al., 2025). Through normative analysis, systemic weaknesses within legal structures that excessively generalize employment relationships without considering differences among employment entities may be identified. This approach encourages the formulation of new and more progressive principles for the social sector, such as recognition of volunteer workers, performance-based financing, and proportional social protection (Septianingsih et al., 2023). This normative critique also serves as a means of reflecting upon the relevance of labor law to contemporary socio-economic realities. Thus, law functions not merely as an instrument of control, but also as a tool for social empowerment (Yasa, 2025).

This study possesses strategic significance in efforts to strengthen the legal foundations of sustainable social-economic development. Academically, the results of this research are expected to enrich labor law discourse by introducing new perspectives concerning nonprofit employment relations. Practically, this study may serve as input for policymakers in formulating fair and realistic regulations for the social sector. Nevertheless, this research has limitations because it is normative in nature and therefore has not addressed all empirical aspects concerning employment practices in the field. Despite this limitation, the conceptual findings of this research may serve as a basis for further and more applicative studies.

This research contributes to the legal discourse by addressing the critical 'juridical vacuum' within the Indonesian legislative framework concerning the unique labor dynamics of social enterprises. While contemporary legal analysis predominantly examines industrial relations through the prism of commercial profit-maximization, this study offers a pioneering normative critique of the dissonance between mission-driven nonprofit activities and the rigid commercial standards perpetuated by Law Number 6 of 2023. By exposing the limitations of applying traditional corporate labor norms to humanitarian-oriented entities, the article identifies a fundamental misalignment that threatens the viability of social innovation. The study’s most significant theoretical contribution is the conceptualization of a 'Humanistic-Adaptive' labor law framework. This innovative framework provides a nuanced, third-way approach that ensures substantive legal protections for social workers while preserving the institutional integrity and operational sustainability of nonprofit sectors in Indonesia. Accordingly, this research functions as an initial step toward encouraging labor law reform aimed at creating a system that is just, legally certain, and socially oriented.

METHODS

This study employs normative legal research methods because the issues examined are rooted in normative aspects, namely the incompatibility between prevailing labor regulations and the characteristics of employment relationships within social enterprises or nonprofit entities. Normative legal research aims to examine law as norms (law in books) (Hari Sutra Disemadi, 2022). The approaches used include the statutory approach to analyze norms contained in Law Number 13 of 2003 concerning Manpower, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, as well as regulations related to social institutions and foundations. Meanwhile, the conceptual approach is employed to understand the fundamental concepts of social justice, voluntary work, and legal responsibility within nonprofit entities. The use of this method encourages critical analysis regarding legal vacuums, overlaps, and normative weaknesses within the scope of labor legal protection in social enterprises.

The type of data utilized in this study consists of secondary data, comprising primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials consist of laws and regulations related to labor and business. Secondary legal materials consist of scientific literature, academic journals, and the opinions of labor law and social law experts (Tan, 2021). Meanwhile, tertiary legal materials consist of legal dictionaries and other supporting documents that provide additional understanding of the legal terminology employed. Legal materials were collected through library research by examining various legal sources and academic references. All data were analyzed using a qualitative-normative approach, namely by interpreting and constructing legal norms systematically in order to produce logical and coherent arguments. The analysis was conducted descriptively and evaluatively to generate normative findings that may serve as the basis for labor law reform that is more just and legally certain for nonprofit entities (Jaya, 2020).

RESULT AND DISCUSSION

Regulation of Employment in Social Enterprises in Indonesia

Employment relationships within social enterprises are fundamentally different because they are driven not only by economic interests but also by humanitarian values, social solidarity, and public welfare objectives. Consequently, this study contributes to the theoretical expansion of labor law by emphasizing the necessity of recognizing hybrid employment relationships that combine economic and social dimensions

Social enterprises constitute a form of economic entity that conducts business activities for social, humanitarian, or environmental purposes. This model combines entrepreneurial principles with social missions in order to achieve a balance between financial sustainability and public benefit (Firdaus, 2024). ithin the Indonesian legal system, social enterprises are commonly operated by foundations, cooperatives, communities, or nonprofit institutions that engage in limited economic activities. Although they play a strategic role in social development, the legal position of social enterprises has not yet received explicit recognition within the national legal framework (Heriyanti & Daulay, 2024). Furthermore, employment provisions within such entities remain inadequately regulated and are not distinguished from those applicable to conventional business entities. This condition creates a gap between the social characteristics of these enterprises and labor law obligations that are commercial in nature (Zaini & Septia, 2022). Consequently, a fundamental issue arises concerning the compatibility between labor law norms and the nonprofit nature of social enterprises.

In Indonesia, Law Number 13 of 2003 concerning Manpower serves as the principal legal basis governing employment relationships. The Manpower Law defines an employment relationship as a relationship between a worker and an employer based on a work agreement containing elements of work, wages, and orders (Effendi & Ratnasari, 2018). This formulation is general in nature and applies to all employment entities without distinguishing between profit-oriented and nonprofit-oriented institutions. As a result, social institutions or foundations employing workers are legally subject to the same provisions as commercial corporations. Meanwhile, the majority of social enterprises do not possess sufficient financial capacity to fulfill all normative obligations such as minimum wages, severance pay, and social security (Siahaan et al., 2020). The absence of specific regulations governing social enterprises causes the implementation of labor law to become disproportionate. Therefore, labor law in Indonesia has not fully reflected the principle of justice because it fails to consider the differing economic and social characteristics among employment entities.

In practice, many social enterprises in Indonesia rely upon voluntary work arrangements. Such social work models are difficult to accommodate within the framework of conventional labor law, which requires financial compensation as an essential element of employment relationships (Mer et al., 2024). Within the scope of foundations, for example,

Article 5 of Law Number 16 of 2001 concerning Foundations stipulates that management personnel are prohibited from receiving salaries, although they may receive reasonable compensation (Zaini & Septia, 2022). This provision creates ambiguity when foundation administrators or workers are fully involved in the economic activities of the foundation. It also creates legal uncertainty regarding worker status. This legal uncertainty reflects weak coordination among regulations in explaining the status of social workers, which consequently affects the large number of workers within the social sector who do not obtain proportional legal protection or labor rights (Xu et al., 2024).

Furthermore, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which aims to increase employment flexibility, also fails to provide solutions to the problems faced by workers within the social sector. The primary focus of the omnibus law is fundamentally directed toward licensing simplification and economic efficiency (Firdaus, 2024). In its implementation, many derivative regulations, such as Government Regulation Number 35 of 2021, continue to focus on the commercial business sector. This creates a legal vacuum or the absence of specific norms, thereby placing social enterprises in a position of legal uncertainty. On the one hand, social enterprises are obligated to comply with labor law; however, on the other hand, they are economically incapable of fulfilling all such obligations (Torres et al., 2023). This condition reinforces the need for a more equitable legal formulation for social enterprises.

Another weakness within the Indonesian labor law system is the absence of legal categories specifically recognizing social workers as legal subjects. To date, the law only recognizes formal and informal workers based upon paid employment relationships (Al Kautsar et al., 2024). In the practice of social enterprises, many individuals become involved not because of financial interests, but due to social commitment and dedication to society. Nevertheless, workers within the social field continue to face legal risks such as workplace accidents, excessive workloads, and uncertainty regarding legal status. The absence of regulations protecting social workers renders them vulnerable to exploitation, particularly within institutions lacking professional governance systems (Prananingrum et al., 2025). Therefore, it is important for the legal system to recognize socially value-based work as part of employment relationships deserving legal regulation.

From the perspective of social protection, social enterprises also face obstacles in implementing employment social security programs. Pursuant to Law Number 24 of 2011 concerning the Social Security Administering Agency (BPJS), every employer is required to register workers in social security programs (Djirimu, 2021). However, many social institutions are unable to bear BPJS contributions due to limited operational funding. This condition results in workers within the social sector losing access to health protection and occupational accident insurance. Meanwhile, the government has not yet provided subsidy mechanisms or specific schemes for workers within social or nonprofit enterprises (Georgiadis, 2013). This demonstrates that Indonesian labor regulations have not fully guaranteed distributive justice between commercial and social sectors. In reality, social enterprises play an important role in supporting national development agendas based upon social welfare.

Another neglected aspect within labor regulations concerns legal protection for volunteers. In practice, many social institutions rely upon volunteers in carrying out public service, educational, and humanitarian activities. However, Indonesian law has not explicitly regulated the boundaries of legal responsibility between social institutions and volunteers. When accidents or violations of rights occur, the legal position of volunteers remains unclear within the legal system. Meanwhile, under international legal frameworks such as International Labour Organization (ILO) conventions, volunteers are still entitled to

minimum protections such as occupational safety and social insurance (Hansmann, 1980). The absence of such provisions creates weak legal certainty and the potential for misuse of volunteer status. Therefore, specific regulations are necessary to position volunteers as part of social employment relationships with proportional protection.

From an institutional perspective, the Ministry of Manpower has not yet established policy instruments specifically designed to address labor issues within the social sector. Labor supervision remains predominantly focused upon manufacturing industries, trade, and commercial services. Consequently, labor violations occurring within the social sector are often not monitored or followed up effectively. Furthermore, social institutions rarely receive legal guidance because they are considered outside the formal economic system (Ko & Liu, 2021). In fact, employment within the social sector possesses its own complexities that require a distinct legal approach. The absence of sector-specific policies has resulted in weak legal protection for social workers and low compliance by social institutions with fundamental labor norms. Therefore, strengthening institutional capacity constitutes an important step toward creating fair and sustainable governance within social employment systems (Hustiana & Pradana, 2017).

Conceptually, Indonesian labor law continues to adopt a positivistic approach emphasizing legal certainty without considering the uniqueness or type of enterprise. This approach disregards the principle of law as a tool of social engineering, which positions law as an instrument for social transformation (Lathif, 2017). Within the scope of social enterprises, law should function to empower rather than burden social enterprises with disproportionate obligations. Regulatory models that are excessively rigid may hinder the growth of social innovation within society. Therefore, labor law must be reorganized in a manner that is more proportional and relevant to humanitarian values and social justice. A progressive normative approach is essential in bridging the gap between legal norms and social realities.

In addition to considering national regulations, labor regulations concerning social enterprises should also refer to international standards. Several countries such as the United Kingdom and South Korea have enacted specific regulations recognizing social enterprises and social workers legally. For instance, the United Kingdom, through the Social Enterprise Act, regulates mechanisms concerning labor protection and wage transparency within social entities (Sukaman, 2022, p. 24). This demonstrates that law may play an active role in creating a just social ecosystem without sacrificing principles of financial sustainability. Indonesia may draw lessons from these international practices by developing regulations that integrate labor law and social law. Consequently, national law may become more adaptive to global developments and responsive to the social realities existing within society.

Based upon legal principles, employment issues within social enterprises require the application of substantive justice principles. This principle emphasizes that legal protection must be adjusted to the actual conditions of the parties and should not merely concern formal equality (Hapsari et al., 2023). Within the context of social enterprises, substantive justice means creating a balance between the capacities of social institutions and the fundamental rights of workers. The law should neither burden social enterprises with obligations threatening the sustainability of their missions nor permit neglect of workers' rights. Therefore, proportional legal mechanisms oriented toward public welfare are required. In this manner, labor law may function not only as a legal instrument but also as a moral and social instrument.

Overall, it may be concluded that labor regulations concerning social enterprises in Indonesia remain general in nature and have not established distinctions regarding the unique characteristics of social enterprises compared with conventional business entities, particularly concerning the fulfillment of workers' rights. Current labor law focuses solely upon formal

aspects of employment relationships without considering the social values underlying certain sectors. This condition creates inequality in protection and legal uncertainty affecting both workers and social institutions. Such circumstances emphasize the necessity of reconstructing labor law through a progressive normative approach. Ideal regulations must recognize the diversity of forms of work, guarantee proportional protection, and strengthen the principle of social justice. Accordingly, labor law may function as both a moral and regulatory pillar within Indonesia's social-economic development.

Formulation of Ideal Legal Norms in Realizing Fair and Proportional Legal Protection for Workers within the Scope of Social Enterprises

The formulation of ideal legal norms within the scope of social enterprises must be grounded upon the principle of substantive justice. Substantive justice views legal protection as something that must be adjusted to the socio-economic conditions of the parties involved, particularly within nonprofit sectors possessing limited resources (Wildan et al., 2024). This principle emphasizes that the law should not impose identical standards upon commercial corporations and social institutions, but rather provide proportional treatment. In this regard, ideal legal norms must establish a balance between the obligations of social institutions and the fundamental rights of workers. The law should not compel nonprofit entities to comply with corporate-oriented provisions while simultaneously remaining obligated to guarantee workers' rights to safety, health, and workplace justice (Hustiana & Pradana, 2017). Therefore, substantive justice constitutes the philosophical foundation for formulating labor law within the social sector.

Normatively, the formulation of ideal labor law for social enterprises should be based upon a differentiated regulation approach. This means that regulations must recognize the diversity of employment relationships within the social sector and provide room for adjusting rules according to institutional capacity (Mer et al., 2024). Such an approach may be implemented through the classification of entities based on business orientation, such as profit, semi-profit, and nonprofit entities. Consequently, labor obligations such as wages, social security, or severance pay may be adjusted proportionally without eliminating the essence of legal protection (Ikhtiariza et al., 2024). Similar regulatory models have been implemented in several countries, such as South Korea, which possesses specific legal classifications for social cooperative enterprises (Sukaman, 2022, hlm. 24). The differentiated approach promotes more balanced distributive justice between institutional capacity and workers' rights. It also serves as an effective instrument for preventing over-regulation that may hinder the growth of the social sector.

Normatively, legal recognition of social workers must be explicitly affirmed within statutory regulations. At present, Indonesian law only regulates formal and informal workers without including social workers as a specific category (Mer et al., 2024). In fact, social workers possess unique characteristics, namely work dedicated to humanitarian purposes without commercial compensation, while still carrying professional responsibilities. Ideal legal norms must position social workers as legal subjects entitled to fundamental protections, such as occupational safety, reasonable appreciation, and access to social security. Such recognition may be embodied through legislation explicitly incorporating social workers as part of the national labor force (Zhao et al., 2025). Consequently, social workers would obtain equal legal legitimacy without obscuring their values of service and voluntarism.

In addition to recognizing social workers, ideal labor law must also formulate norms concerning (social employment contracts) (Elloukmani et al., 2024). A social employment contract constitutes a legal instrument regulating relationships between social institutions and their workers, whether paid or voluntary. Unlike conventional employment contracts, social

employment contracts should emphasize aspects of social responsibility and moral commitment rather than focusing solely upon financial aspects (Agnihotri et al., 2025). Such contracts may regulate fundamental rights such as humane working hours, occupational safety protection, and recognition of contributions. This concept aligns with the principle of pacta sunt servanda in civil law, although modified by values of social solidarity (Sahida et al., 2025). Accordingly, social employment contracts function as a bridge between labor law and humanitarian principles.

The aspect of social protection must also be formulated innovatively through flexible social protection schemes. Under this model, social workers and nonprofit institutions may participate in social security programs proportionally according to their contribution capacity (Feng & Greenlee, 2024). The government may develop cross-subsidy systems or partnership mechanisms to support contributions for workers within the social sector. Through such schemes, protection against occupational risks, accidents, and health problems may remain guaranteed without imposing excessive financial burdens upon social institutions. Flexible social protection systems reflect principles of distributive justice whereby the responsibility for protection is shared not only by employers but also by the state and society. This approach aligns with the concept of welfare pluralism, namely collaboration among public, private, and social sectors in realizing labor welfare (Dunaetz et al., 2025).

Ideal legal norms must also consider legal protection for volunteers who play significant roles within social enterprise operations. Volunteers are not workers in the conventional sense; nevertheless, they remain legal subjects entitled to fundamental protection while carrying out social duties (Hollerweger & Meyer, 2020). Therefore, minimum standards of protection for volunteers must be regulated, including insurance guarantees, occupational safety training, and institutional responsibility for field risks. Such protection is not intended to transform volunteers into ordinary workers, but rather to guarantee their security and dignity as legal subjects within the employment sphere (Elloukmani et al., 2024). Through such norms, voluntary activities may be conducted professionally and ethically without eliminating humanitarian values. Recognition of volunteers also strengthens the legal legitimacy of social enterprises as public entities founded upon social solidarity.

From an institutional perspective, it is necessary to establish a Social Employment Authority under the Ministry of Manpower. This institution would function to regulate, supervise, and guide employment relationships within the social sector specifically (Izzati, 2024). Such an authority may establish technical guidelines, provide legal compliance certification for social institutions, and mediate employment disputes within nonprofit sectors. Through the existence of a specialized institution, legal supervision would become more effective because it would consider the social and nonprofit aspects of the institutions being supervised. Similar models have been implemented in several European countries possessing dedicated social economy departments within governmental structures (Choirotunnisa, 2023). The establishment of such social authorities would strengthen inter-agency coordination and ensure the implementation of labor law that is more just and humane.

Philosophically, the formulation of ideal legal norms must be based upon the values of Pancasila and social justice for all Indonesian people as embodied within the Preamble of the 1945 Constitution. The principle of just and civilized humanity constitutes the moral foundation for organizing employment systems that uphold human dignity (Sukmananda Ana et al., 2024). Labor law for the social sector must embody the spirit of mutual cooperation, solidarity, and protection of vulnerable groups. Consequently, law functions not merely as a normative instrument but also as a moral instrument strengthening social aspects. These principles may be translated into legal norms through clauses emphasizing the social

responsibility of work institutions and the state (Pratiwi et al., 2022). Accordingly, labor law actively contributes to the realization of socially just development.

From a juridical perspective, labor law reformulation may be conducted through the enactment of government regulations or special regulations concerning social employment. Regulations concerning social employment may function as a bridge between general norms within labor legislation and practices occurring within the social sector (Yitawati et al., 2024). Such regulations may include definitions of social enterprises, the legal status of social workers, standards for reasonable wages, proportional social security, and the legal responsibilities of nonprofit institutions. Through the existence of special regulations, legal implementation may become more effective without requiring comprehensive amendments to the entire legislative structure. This strategy also encourages the government to adjust policies in accordance with social and economic developments (Apriliandra et al., 2022).

Accordingly, labor law becomes more adaptive and relevant in responding to societal needs. Overall, the formulation of ideal legal norms within the social enterprise sector must reflect a balance between economic efficiency and social justice. Regulations should not merely focus upon fulfilling administrative procedures, but also upon protecting humanitarian values. Ideal legal norms are norms capable of adapting to societal dynamics without losing normative authority or legal certainty. Accordingly, labor law functions not only as an instrument regulating employment relationships, but also as a tool for social empowerment. Fair and proportional legal protection for social workers will strengthen the foundations of work ethics, solidarity, and welfare within national development. Therefore, labor law reform within the social sector constitutes a strategic step toward creating a legal system that is adaptive, progressive, and socially just.

CONCLUSION

It may be concluded that current labor regulations in Indonesia have not yet accommodated the unique characteristics of employment relationships within social enterprises. Existing laws, such as Law Number 13 of 2003 concerning Manpower and Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, remain oriented toward commercial and profit-based employment relationships. As a consequence, social workers and volunteers within nonprofit sectors have not obtained proportional legal protection, while social institutions continue to bear burdensome legal obligations that are difficult to fulfill. This imbalance creates legal uncertainty and weakens the function of law as an instrument of social justice. Therefore, the labor law system requires reconsideration and reform in order to reflect the values of humanity, solidarity, and substantive justice that form the foundation of social activities in Indonesia.

As a normative step, the formulation of ideal labor law for social enterprises must be adaptive, differentiated, and humane. Adaptive means that the law must be capable of adjusting to the dynamics of the social sector without losing its protective function. Differentiated means that the law recognizes distinctions between profit and nonprofit entities in determining labor obligations. Meanwhile, humane means that the law upholds human dignity as the primary subject of employment relationships. The state must formulate specific regulations governing the legal status of social workers, volunteers, and social protection schemes. Such legal reform is expected not only to provide legal certainty for social institutions, but also to strengthen the position of workers within the national labor system. Accordingly, labor law may function as an instrument of social empowerment and as a means of realizing social justice for all Indonesian people.

REFERENCES

Agnihotri, Arpita, Saurabh Bhattacharya, dan Matthew Gorton. "What Motivates Jobseekers to Prefer to Work for Non-profits Versus the Governmental Sector? Evidence from India." *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 1, no. 1 (16 September 2025): 1–20. https://doi.org/10.1007/s11266-025-00774-8.

Ana, Anadhofatul Sukmananda, Adelia Puspitasari, Naila Adibah Jaisy, Naila Farah Ramadhani, dan Nova Dwi Jayanti. "Upaya Peningkatan Kesejahteraan Dasar Sebagai Pemenuhan Hak Asasi Manusia Demi Menekan Ketimpangan Ekonomi di Masyarakat." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 3, no. 2 (28 Desember 2024): 63–77. https://doi.org/10.37631/jrkhm.v3i2.49.

Andari, Soetji. "Peran Pekerja Sosial Dalam Pendampingan Sosial." *Sosio Informa* 6, no. 2 (30 Mei 2020): 92–113. https://doi.org/10.33007/inf.v6i2.2200.

Apriliandra, Sarah, Ariq Akmal Suwandi, dan Rudi Saprudin Darwis. "Peran Pekerja Sosial Dalam Pemberdayaan Komunitas Perempuan Rawan Sosial dan Ekonomi." *Jurnal Kolaborasi Resolusi Konflik* 4, no. 1 (10 Februari 2022): 27. https://doi.org/10.24198/jkrk.v4i1.37538.

Barid, Vera Bararah. "Urgensi Jaminan Sosial Ketenagakerjaan Bagi Pekerja Sektor Informal di Indonesia." *Prosiding Seminar Hukum dan Publikasi Nasional (SERUMPUN)* 1, no. 2 (2020): 236–52.

Choirotunnisa, Maisaroh. "Labor Polemics and A Comparison of Indonesian Labor Policies." *Progress In Social Development* 4, no. 1 (31 Januari 2023): 7–19. https://doi.org/10.30872/psd.v4i1.49.

Dalimunthe, Nikmah, dan Mhd Ilham Nst. "Karakter Undang-Undang Ketenagakerjaan Dalam Perlindungan Hukum Terhadap Pekerja." *JLEB: Journal of Law, Education and Business* 2, no. 1 (1 April 2024): 530–34. https://doi.org/10.57235/jleb.v2i1.1891.

Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." *Journal of Judicial Review* 24, no. 2 (November 2022): 289–304. https://doi.org/10.37253/jjr.v24i2.7280.

Djirimu, Mohamad Ahlis. "Peningkatan Produktivitas Tenaga Kerja Indonesia di ASEAN Sebagai Upaya Peningkatan Daya Saing." *Kajian Ekonomi dan Keuangan* 4, no. 3 (22 Juli 2021): 195–215. https://doi.org/10.31685/kek.v4i3.665.

Dunaetz, David R., Mark Gobrail, Jaye Howard, Jasmine Lord, dan Jaimie C. Yun. "Self-leadership practices and beliefs in nonprofit organizations: differences between leaders and non-leaders." *Leadership & Organization Development Journal* 46, no. 1 (17 Januari 2025): 66–84. https://doi.org/10.1108/LODJ-04-2024-0284.

Effendi, Prihatin, dan Devi Ratnasari. "Kesetaraan Gender Dalam Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 7, no. 2 (12 Desember 2018): 1–8. https://doi.org/10.55129/jph.v7i2.701.

Elloukmani, Sara, Stijn Oosterlynck, dan Peter Raeymaeckers. "Diversifying the workplace in nonprofit organizations: Discourses and perspectives on ethnic diversity." *Nonprofit Management and Leadership* 34, no. 3 (29 Maret 2024): 523–44. https://doi.org/10.1002/nml.21581.

Febrianto, Yusuf Bagus, Selamat Widodo, dan Kanda Reza Pahlevi Tetuko Mozaik Romadhona. "Kajian Pemenuhan Hak-Hak Pekerja Pada Pekerjaan Alih Daya dalam Undang-Undang Cipta Kerja dalam Perspektif Aliran Utilitarianisme." *Journal of Innovative and Creativity* 5, no. 2 (2025): 12542–12553. https://doi.org/10.31004/joecy.v5i2.1693.

Feng, Nancy Chun, dan Janet S. Greenlee. "Governance, Performance, and Compensation in Nonprofit Organizations: A Review of Recent Empirical Nonprofit Research." *Journal*

of Governmental & Nonprofit Accounting 13, no. 1 (1 Desember 2024): 1–27. https://doi.org/10.2308/JOGNA-2023-006.

Firdaus, Indriana. "Efektivitas UU Cipta Kerja dalam Melindungi Hak Pekerja Penyandang Disabilitas" 3, no. 1 (2024): 1–18. https://doi.org/10.58819/jurnalfaktahukum(jfh).v3i1.115.

Firdaus, Nur. "Pengentasan Kemiskinan Melalui Pendekatan kewirausahaan Sosial." *Jurnal Ekonomi dan Pembangunan* 22, no. 1 (2024): 69–81. https://doi.org/10.14203/JEP.22.1.2014.69-81.

Georgiadis, Andreas. "Efficiency Wages and the Economic Effects of the Minimum Wage: Evidence from a Low-Wage Labour Market." *Oxford Bulletin of Economics and Statistics* 75, no. 6 (5 Desember 2013): 962–79. https://doi.org/10.1111/j.1468-0084.2012.00713.x.

Hansmann, Henry B. "The Role of Nonprofit Enterprise." *The Yale Law Journal* 89, no. 5 (April 1980): 835. https://doi.org/10.2307/796089.

Hapsari, Nia Puspita, Oktavia Lendo, Dewi Sari Sumitro, dan Nofia Angela. "Efektivitas Kebijakan BPJS Ketenagakerjaan Terhadap Hak Pekerja Dalam Aspek Hukum." *Lex Jurnalica* 20, no. 3 (2023): 333–38. https://ejurnal.esaunggul.ac.id/index.php/Lex/article/view/7297/4045.

Heriyanti, Yuli, dan Zainul Daulay. "Badan Hukum Yayasan di Indonesia : Suatu Kajian dalam Perspektif The Doctrine of Charitable Immunity." *UNES Law Review* 6, no. 4 (2024): 12538–47. https://doi.org/10.31933/unesrev.v6i4.2238.

Hollerweger, Eva More, dan Michael Meyer. "Work and Employment in the Nonprofit Sector." In *International Encyclopedia of Civil Society*, 1–9. Cham: Springer International Publishing, 2020. https://doi.org/10.1007/978-3-319-99675-2_632-1.

Hustiana, Nira, dan Muhammad Ardi Pradana. "Pemberian Gaji Kepada Pengurus Yayasan Berdasarkan Undang-Undang Yayasan." *Jurnal Ius Constituendum* 2, no. 2 (3 November 2017): 223–39. https://doi.org/10.26623/jic.v2i2.662.

Ikhtiariza, Dyah, Eva Fidiyati, dan Lailatul Fitriyah. "Perlindungan Hak Pekerja Lepas Dalam Hukum Ketenagakerjaan." *Jurnal Dunia Ilmu Hukum (JURDIKUM)* 2, no. 1 (2 Juni 2024): 09–15. https://doi.org/10.59435/jurdikum.v2i1.375.

Ismail, Najmi, dan Moch. Zainuddin. "Hukum dan Fenomena Ketenagakerjaan." *Focus : Jurnal Pekerjaan Sosial* 1, no. 3 (23 Januari 2019): 166. https://doi.org/10.24198/focus.v1i3.20494.

Izzati, Nabiyla Risfa. "Kepastian Hukum vs Ketidakpastian Kerja: Substansi Ketenagakerjaan dalam Undang-Undang Nomor 6 Tahun 2023 tentang Cipta Kerja." *Jurnal Hukum IUS QUIA IUSTUM* 31, no. 2 (2 September 2024): 384–407. https://doi.org/10.20885/iustum.vol31.iss2.art7.

Jaya, Febri. "Perlindungan Hak-Hak Pekerja Perempuan." *Jurnal Kertha Semaya* 8, no. 12 (2020): 1886–97. https://ojs.unud.ac.id/index.php/kerthasemaya/article/download/65813/37285.

Kautsar, Mohammad Yudithama Al, Wahyu Dwi Agung, dan Bayu Taufiq Possumah. "Compensation Fund in Foundations: Indonesia's Foundation Laws and Auditor Perspectives." *International Journal of Social Science and Human Research* 07, no. 03 (9 Maret 2024): 1701–9. https://doi.org/10.47191/ijsshr/v7-i03-26.

Ko, Wai Wai, dan Gordon Liu. "The Transformation from Traditional Nonprofit Organizations to Social Enterprises: An Institutional Entrepreneurship Perspective." *Journal of Business Ethics* 171, no. 1 (30 Juni 2021): 15–32. https://doi.org/10.1007/s10551-020-04446-z.

Lathif, Nazaruddin. "Teori Hukum Sebagai Sarana Alat Untuk Memperbaharui Atau Merekayasa Masyarakat." *PALAR | PAKUAN LAW REVIEW* 3, no. 1 (1 Januari 2017).

https://doi.org/10.33751/palar.v3i1.402.

Mawardi, Rafi Aufa, dan Muhammad Rizki Pratama. "Peran Social Enterprise sebagai Inovasi Pengentasan Kemiskinan di Indonesia." *Jurnal Studi Inovasi* 3, no. 1 (30 Januari 2023): 31–42. https://doi.org/10.52000/jsi.v3i1.130.

Mer, Akansha, Vimal Kumar, Virendra Kumar Verma, Tanmoy De, dan Joshy Mathew. "A review of predictors and outcomes of work engagement in nonprofit organizations." *Social Sciences & Humanities Open* 10 (2024): 101083. https://doi.org/10.1016/j.ssaho.2024.101083.

Nuryana, Mu'man. "Perusahaan Sosial dan KUBe di Indonesia: Peluang dan Tantangan." *Sosio Informa* 3, no. 2 (1 September 2017): 180–202. https://doi.org/10.33007/inf.v3i2.915.

Prananingrum, Dyah Hapsari, Freidelino Paixao Ramos Alves de Sousa, dan Chris Emilians Putra Jacobus. "Legal Reform to the Foundation Wage System based on Worker Performance." *Padjadjaran Journal of Law* 12, no. 2 (2025): 198–215. https://journal.unpad.ac.id/pjih/vol12/iss2/3.

Pratiwi, Salsabilla Aurelia, Ghea Cantika Noorsyarifa, dan Nurliana Cipta Apsari. "Upaya Penanggulangan Kemiskinan Ekonomi di Indonesia Melalui Perspektif Pekerja Sosial." *Focus : Jurnal Pekerjaan Sosial* 5, no. 1 (8 Agustus 2022): 72. https://doi.org/10.24198/focus.v5i1.39965.

Putra, I Dewa Gede Aditya Mahendra, I Nyoman Putu Budiartha, dan Ni Komang Arini Styawati. "Pelaksanaan Perlindungan Hak-Hak Pekerja Penyandang Disabilitas Pada Badan Hukum Nirlaba Di Yayasan Bunga Bali." *Jurnal Konstruksi Hukum* 3, no. 2 (2022): 264–69. https://doi.org/10.22225/jkh.3.2.4809.264-269.

Sahida, Gayan Asykar, Aldy Komara Bintang, dan Aisyah Miratil Hayati. "Perspektif Islamic Moral Economy (Ime) Terhadap Gig Economy: Tantangan Keadilan Dan Kesejahteraan Pekerja Di Era Digital." *Az-Zarqa': Jurnal Hukum Bisnis Islam* 5, no. 1 (27 Februari 2025): 15–29. https://doi.org/10.14421/vds9z434.

Septianingsih, Imani, H. Zaeni Asyhadie, dan Rahmawati Kusuma. "Hak Pekerja Atas BPJS Ketenagakerjaan Berdasarkan Undang-Undang Nomor 24 Tahun 2011 Tentang Badan Penyelenggara Jaminan Sosial." *Private Law* 3, no. 2 (27 Juni 2023): 501–9. https://doi.org/10.29303/prlw.v3i2.2613.

Siahaan, Nimrot, Toni Toni, Agus Anjar, dan Panggi Nur Adi. "Subjek Hukum Dalam Pendirian Yayasan Menurut Undang-Undang Nomor 28 Tahun 2004 Atas Perubahan Undang-Undang Nomor 16 Tahun 2001 Tentang Yayasan." *Jurnal Ilmiah Advokasi* 8, no. 1 (2 April 2020): 1–10. https://doi.org/10.36987/jiad.v8i1.1593.

Sinaga, Niru Anita, dan Tiberius Zaluchu. "Perlindungan Hukum Hak-Hak Pekerja Dalam Hubungan Ketenagakerjaan di Indonesia." *Jurnal Teknologi Industri* 6, no. 1 (2017): 56–70. https://doi.org/10.35968/jti.v6i0.754.

Sukaman, Oman. *Dasar-Dasar Kesejahteraan Sosial dan Pekerjaan Sosial*. Diedit oleh Ahmad Andi Firmansah. Malang: Universitas Muhammadiyah Malang, 2022.

Sunija, D. Anisa, Septia Febriani, Santoso Tri Raharjo, dan Sahadi Humaedi. "Pekerja Sosial Industri Dalam Menangani Permasalahan PHK di Dunia Industri Indonesia." *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 6, no. 3 (11 Februari 2020): 181–91. https://doi.org/10.24198/jppm.v6i3.26206.

Tan, David. "Metode Penelitian Hukum: Mengupas dan Mengulasi Metodologi dalam Menyelenggarakan Penelitian Hukum." *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463–2478.

Thooriq, Faridha Ath. "Perlindungan Hukum dan Hak Asasi Manusia terhadap Pekerja Kontrak di Indonesia (Implementasi Berdasarkan Undang-Undang Ketenagakerjaan)." *Gema Keadilan* 10, no. 3 (1 Oktober 2023): 153–69.

https://doi.org/10.14710/gk.2023.20428.

Torres, Luis, Daniel Ripa, Aditya Jain, Juan Herrero, dan Stavroula Leka. "The potential of responsible business to promote sustainable work – An analysis of CSR/ESG instruments." *Safety Science* 164 (Agustus 2023): 106151. https://doi.org/10.1016/j.ssci.2023.106151.

Wildan, Ahmad, Gian Muzakir Hayat, dan Khalisyah Amara Podungge. "Implikasi Hukum Terhadap Hak Pekerja Harian Lepas di Era Digital: Perspektif Hukum Ketenagakerjaan." *Jurnal Media Hukum Indonesia (MHI)* 2, no. 2 (2024): 672–80. https://doi.org/10.5281/zenodo.12599595.

Wiradi, Dio Adre, dan Rasji Rasji. "Tinjauan Yuridis Perlindungan Hak Pekerja Pada Perusahaan." *UNES Law Review* 7, no. 2 (2024): 741–46. https://doi.org/10.31933/unesrev.v7i2.2353.

Xu, Jiayi, Rossilah Jamil, Xiaojun Mai, Lvxiang Deng, Jiayue Zhang, dan Ying Yang. "Volunteer Management in Nonprofit Organizations: A Bibliometric Analysis." *Sage Open* 14, no. 4 (21 Oktober 2024): 1–23. https://doi.org/10.1177/21582440241284244.

Yasa, I Putu Gede Nesa Saputra. "Analisis Yuridis Mengenai Kekaburan Norma Status Pekerja Lepas dalam Sistem Hukum Ketenagakerjaan Indonesia." *Jurnal Riset Rumpun Ilmu Sosial, Politik dan Humaniora* 4, no. 3 (30 Juni 2025): 578–86. https://doi.org/10.55606/jurrish.v4i3.5724.

Yitawati, Krista, Meirza Aulia Chairani, dan Angga Pramodya Pradhana. "Problematika Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja Klaster Ketenagakerjaan Dalam Memberikan Perlindungan Dan Kesejahteraan Pekerja." *JURNAL RECHTENS* 13, no. 1 (22 Juni 2024): 97–118. https://doi.org/10.56013/rechtens.v13i1.2671.

Zahra, Fadilla, Fazua Zahra, dan Khairunnisya Rachman. "Peran Sosialisasi dan Edukasi Dalam Meningkatkan Kepatuhan Iuran BPJS Ketenagakerjaan." *Kreativitas Pada Pengabdian Masyarakat (KREPA)* 5, no. 5 (2025): 1–8. https://doi.org/10.9765/Krepa.V218.3784.

Zaini, Zulfi Diane, dan Putri Septia. "Pertanggungjawaban Pengurus Dalam Pengelolaan Badan Hukum Yayasan di Indonesia." *Justice Voice* 1, no. 1 (5 Agustus 2022): 35–44. https://doi.org/10.37893/jv.v1i1.65.

Zhao, Rong, Theresa Anasti, dan Rachel Welch. "Addressing 'Idealism Exploitation' Through Unionization: Causes and Outcomes of Nonprofit Worker Labor Organizing in the U.S." *Affilia* 40, no. 2 (5 Mei 2025): 265–82. https://doi.org/10.1177/08861099241296470.