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QUIET FIRING AND SILENT FIRING FROM THE PERSPECTIVE OF INDONESIAN LABOR LAW

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Abstract

Quiet firing and silent firing are emerging phenomena in employment, arising alongside the transformation of industrial relations in the digital and platform economy era. Quiet firing refers to a company's strategy of encouraging employees to resign without formal termination, while silent firing occurs when employees are "quietly forced out" through the neglect of their roles or psychological pressure. This article analyzes these two phenomena within the context of Indonesian labor law, with a comparison to the labor law systems in Singapore and the United States. An interdisciplinary approach is employed to review the juridical, social, economic, and psychological aspects affecting workers. The analysis results indicate that the lack of explicit regulation regarding quiet firing and silent firing creates a legal vacuum that potentially violates the principle of labor protection as stated in Article 27 paragraph (2) and Article 28D of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and Law Number 13 of 2003 juncto Law Number 6 of 2023 concerning Job Creation. In the international context, ILO Convention No. 158 affirms that every termination of employment must have a valid reason and be carried out through due process. Therefore, this article recommends the establishment of new norms within national labor law to address these practices of concealed termination, as well as strengthening the mechanism for labor supervision based on social justice.

Keywords: quiet firing; silent firing; employment termination; labor law; labor protection.

Introduction

As living beings, humans have basic needs that must be met to maintain their existence. These needs extend beyond food, clothing, and shelter to encompass social and psychological needs. To fulfill these needs, humans are inherently required to work and create. Work is not merely a physical activity, but rather a means of transforming oneself and one's environment. Through work, humans not only generate economic value but also attain dignity and social recognition. Work is a fundamental necessity for the sustainability of individual and societal life. More broadly, work can be viewed as a manifestation of the potential and capabilities of every human being. Therefore, the right to work has been universally recognized as a human right.[1]This recognition demonstrates the central role of work in human life. It is the state's obligation to ensure that every citizen has a decent opportunity to work. In short, work is a way of life that enables people to achieve prosperity. Philosophically, the right to work is rooted in the concept of human dignity, which states that every individual has the right to contribute and earn a living independently. From a constitutional law perspective, this right is often constitutionally guaranteed as a fundamental right.[2]The state, based on the social contract theory, has an obligation to create an environment conducive to the realization of these rights. This includes protecting workers from exploitation and unfair treatment. The state's responsibility extends beyond providing employment, to enforcing decent work standards.[3]The right to work also reflects the principle of social justice, where resources and opportunities must be distributed equitably. If this right is neglected, social and economic balance can be disturbed. Therefore, legal intervention is absolutely necessary to regulate employment relations. This philosophical and

[1] Arliman, L. (2017). Development and Dynamics of Employment Law in Indonesia. Jurnal Selat, Vol. 5, No. 1, pp. 74-87.
[2]Roscoe Pound, An Introduction to the Philosophy of Law (New Haven: Yale University Press, 1922), p. 65.
[3]Philipus M. Hadjon, Legal Protection for the Indonesian People (Surabaya: Bina Ilmu, 1987), p. 32.

constitutional recognition of the right to work then gave birth to Employment Law as a specific branch of law. Employment Law exists as a tool to balance the often contradictory interests between employers (employers) and workers (employees). In Indonesia, the existence of this law is based on Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the "1945 Constitution of the Republic of Indonesia") which guarantees the right to work and a decent living. The goal is to create harmonious, dynamic, and equitable employment relations, free from exploitation and uncertainty. Employment Law also seeks to achieve social justice by ensuring that the economic power of employers does not override the basic rights of workers. The presence of this regulation is a manifestation of the state's role as a guarantor of general welfare, protecting structurally weaker groups. Without legal intervention, employment relations will be dominated by free market mechanisms that are prone to injustice, eliminating essential protections.

The enactment of this law represents a legal response to the complex relationship between workers and employers. Its primary goal is to create a fair and harmonious balance between the two. Employment Law serves as a protective umbrella for workers in a vulnerable position. Its existence emphasizes the state's role in overseeing employment practices and striving to minimize conflicts and disputes that may arise in the employment relationship between employers and employees. In this regard, Employment Law in Indonesia covers various aspects, from recruitment to termination of employment. Thus, its existence is a concrete manifestation of the constitutional mandate, which is essential for economic development based on social justice.

Essentially, Indonesian Employment Law encompasses three main pillars: protection of basic workers' rights, regulation of working conditions, and mechanisms for resolving industrial relations disputes. Basic rights protection includes minimum wages, social security, occupational safety and health, and the right to organize and bargain. Regulation of working conditions covers working hours, leave, and, crucially, procedures for termination of employment (PHK). In this regard, provisions regarding termination of employment are designed to be a last resort, limiting employer discretion, ensuring that any termination must be based on valid reasons and through fair procedures (due process). The goal is to create legal certainty for both parties and minimize the socio-economic impact of job losses. Through this comprehensive regulation, the state strives to achieve a conducive investment climate while ensuring social stability and worker welfare. Balancing productivity interests and rights protection is the primary task of employment law.

Indonesian labor law serves several vital welfare-oriented objectives. Its primary goal is to empower and utilize the workforce optimally and humanely. Labor law also aims to protect workers in terms of safety, health, morals, and dignity. Labor law strives to ensure business continuity and create a peaceful working environment for workers. Labor law also serves to increase community participation in the development process. More specifically, this regulation aims to guarantee basic workers' rights, such as decent wages and reasonable working hours. Furthermore, labor law strives to create harmonious, dynamic, and equitable labor relations. The goal is to create a favorable investment climate without compromising workers' rights. Achieving these goals is a key indicator of successful law enforcement in this sector. Synergy between workers, employers, and the government is essential to achieve this.

However, with the acceleration of digital transformation and the platform economy, the dynamics of industrial relations are undergoing significant structural shifts. These developments are not only changing the way work is conducted but also redefining the relationship between companies and workers, creating new challenges for existing legal frameworks. More flexible, lean, and technology-driven business models have led to the emergence of increasingly subtle and difficult-to-detect human resource management practices. Employment relationships now tend to be more fluid, emphasizing output over physical presence, often blurring the lines between full-time workers and independent partners. This evolution, while bringing economic efficiencies, is often exploited to circumvent traditional employment obligations. Employment laws designed during the conventional industrial era are beginning to demonstrate their inability to fully encompass the complexities and nuances of this modern work environment.

The employment phenomenon continues to evolve in line with the pace of technological development and economic globalization. The Industrial Revolution 4.0 and digitalization have fundamentally changed work patterns and skill requirements. Flexible work and the emergence of the gig economy have become new characteristics of the employment landscape. These developments create new opportunities, but also raise unanticipated legal challenges. The boundaries between workers and partners are becoming blurred in app-based business models. Global market dynamics also demand companies to be more adaptive and efficient. The implication is the emergence of efficiency pressures that can lead to unconventional practices in human resource management. Existing regulations often lag behind in responding

to this rapid change.[4]This gap opens the door to the emergence of work practices that have the potential to harm workers. In the context of modern employment developments, the phenomenon of indirect layoffs (PHK) has emerged. This phenomenon is often referred to as quiet firing or silent firing. Quiet firing refers to the practice of employers creating an unconducive work environment or imposing excessive/unreasonable workloads, forcing workers to resign.[5]The goal is to avoid severance pay obligations. Meanwhile, silent firing is a practice where employers intentionally ignore workers, limit career development opportunities, or withhold significant assignments, leaving workers feeling unappreciated and ultimately choosing to leave. Both practices represent new forms of exploitation and injustice in employment relationships. Victims of these practices often face difficulties in asserting their rights. Detecting and proving these practices is extremely difficult due to their subtle and manipulative nature.[6]

This phenomenon has become increasingly prevalent in the post-COVID-19 pandemic period, particularly in the technology and aviation sectors, demonstrating the adaptive nature of covert layoffs to economic dynamics. The global economic crisis and post-pandemic demands for efficiency have pushed companies to seek unconventional ways to restructure their organizations. Cases of silent firings at major technology companies like Shopee Indonesia (2022) and GoTo (2023) serve as concrete examples of how digital companies frequently employ psychological and structural approaches. They reduce their workforces through role freezing or deliberately reducing duties without needing to announce formal mass layoffs. This tactic allows companies to minimize the public upheaval and financial obligations inherent in regulated layoffs. The impact is that employees are forced out de facto even though there are no de jure layoff letters. This practice demonstrates that even fast-growing sectors are not immune to unethical workforce management strategies.

Both phenomena, quiet firing and silent firing, essentially represent indirect layoffs or constructive dismissals. The term "constructive dismissal" refers to a situation where an employer fundamentally breaches an employment contract, forcing an employee to resign as a result of that employer's actions. However, in Law Number 13 of 2003 concerning Manpower in conjunction with Law Number 6 of 2023 concerning Job Creation, the concept of indirect dismissal has not been explicitly and comprehensively defined. The absence of clear terminology and regulations regarding quiet firing and silent firing creates a legal vacuum that employers exploit. Workers who fall victim to this practice often struggle to prove that their resignation was based on intolerable pressure.[7]As a result, they lose the right to severance pay they should have received, which is contrary to the spirit of labor protection.

Neither the Employment Law nor the Job Creation Law, which regulates several amendments to the Employment Law, explicitly stipulates specific definitions, criteria, or sanctions for these practices. These practices exploit legal loopholes and the law's inability to address psychological or socially relevant actions. Consequently, workers who are victims struggle to prove that their resignations constitute disguised unilateral layoffs. Workers' rights, particularly severance compensation, are threatened because the resignations are deemed voluntary. In addition to the lack of specific regulations, problems also arise from the difficulty of proving the truth in industrial relations courts. Current legal interpretations tend to focus on formal and explicit layoffs, thus lacking adequate legal protection, thus eroding justice and legal certainty for workers.

Besides the issue of regulatory ambiguity, another emerging issue is the lack of an interdisciplinary approach to this phenomenon. The practices of quiet and silent firing have a strong psychological dimension, but labor law tends to be purely formal and juridical. Integrating social and economic perspectives is crucial to understanding the full impact of these practices. Therefore, it is important to conduct comparative legal studies with other countries that may have faced and regulated similar issues. Singapore and the United States (US), for example, have advanced employment systems with high market dynamics. Comparing regulations regarding indirect layoffs in these two countries can provide valuable insights for improving national laws. The goal of this comparison is to identify effective and innovative protection models. The results are expected to serve as a reference in formulating more comprehensive policies. Normatively, Article 151 paragraph (1) of Law Number 13 of 2003 concerning Manpower states that “employers, workers, labor unions, and the government must endeavor to prevent termination of employment.” This provision reflects

[4]Satjipto Rahardjo, Progressive Law: A Synthesis of Indonesian Law (Yogyakarta: Genta, 2009), p. 45.
[5]Oquendo, S., Bell, R., & Kitenge, E. (2024). Which Came First, Quiet Quitting or Quiet Firing? The Paradox of Constructive Discharge vs. Employee Disengagement. The Paradox of Constructive Discharge vs Employee Disengagement (December 23, 2024).
[6]Serenko, A. (2024). The human capital management perspective on quiet quitting: recommendations for employees, managers, and national policymakers. Journal of Knowledge Management, Vol. 28, no. 1, p. 27-43.
[7]Kıcır, G. K. (2024). The New Silence Trend for Businesses: Quiet Hiring. İşletme Bilimi Dergisi, Vol. 12, no. 3, p. 359-369.

the spirit of Indonesian labor law, which places termination of employment as the ultimum remedium or last resort. This philosophy emphasizes the importance of social dialogue, negotiation, and mediation as mandatory prerequisites before termination of employment. Efforts to prevent termination of employment must be interpreted as an obligation to maintain employment relations for as long as possible. This principle is the ethical and legal basis for industrial relations in Indonesia. This norm implicitly prohibits all forms of coercion or manipulation that lead to the termination of employment. However, the practice of quiet and silent firing is actually a form of disguised layoffs (constructive dismissal) that blatantly avoids legal protection for workers. This form of disguised layoffs substantially violates the spirit of Article 151 paragraph (1) of the Manpower Law. Instead of trying to prevent layoffs from occurring, companies actually create conditions that deliberately force workers to take the decision to resign. By exploiting the regulatory vacuum regarding the definition and proof of constructive dismissal, employers successfully transfer the risk and burden of layoffs to workers. This creates a legal irony where companies that commit substantial violations are actually exempt from sanctions and severance pay obligations. Therefore, labor law must be reformed to close the loopholes that allow these disguised layoffs to continue to be rampant. This reform is crucial to restore the spirit of socially just labor protection.

Based on the background of the problems outlined, this research is urgently needed. This research aims to fill the academic and regulatory gaps related to the practice of quiet and silent firing. The main focus of this research is to answer three core problem formulations. First, this research will analyze the existence of quiet and silent firing practices from the perspective of national labor law in Indonesia by identifying existing gaps and interpretations. Second, this research will compare Indonesian labor law with Singapore and the United States in regulating indirect termination of employment (PHK). Third, this research aims to integrate interdisciplinary approaches, including juridical, social, economic, and psychological, to strengthen legal protection mechanisms for workers. The contribution of this research is expected to provide concrete and holistic policy recommendations. Ultimately, this research is crucial to ensuring justice, dignity, and legal protection for Indonesian workers in this modern era.

Formulation of the problem:

a. How is the existence of quiet firing and silent firing practices from the perspective of national labor law in Indonesia?
b. How do Indonesian, Singaporean, and United States labor laws compare in regulating indirect termination of employment (PHK)?
c. How can interdisciplinary approaches, both legal, social, economic and psychological, be integrated to strengthen legal protection mechanisms for workers in dealing with quiet firing and silent firing practices?

Discussion

The Existence of Quiet Firing and Silent Firing Practices from the Perspective of National Labor Law in Indonesia

Conceptually, quiet firing is a phenomenon of indirect and covert termination of employment (PHK). This practice occurs when a company does not issue an official and formal termination letter. Instead, the company deliberately creates highly stressful and uncomfortable working conditions and environments. The goal is to force employees to feel they have no choice but to submit their resignations. This pressure often takes the form of imposing unrealistic work targets or drastic and detrimental job changes. This method is chosen by employers to avoid legal obligations to pay severance pay and other termination compensation. With a resignation letter, the company can claim that the layoff occurred at the employee's initiative. This practice of quiet firing is an indication of bad faith on the part of the employer in terminating the employment relationship. Essentially, it is a unilateral layoff disguised as voluntary resignation.[8]This conception demands an in-depth analysis of the motivations behind workers' actions. Meanwhile, silent firing is defined as a more psychological practice within the employment relationship. Silent firing is a company's action of removing an employee's essential role, responsibility, or function without formal notification. Victimized employees are often excluded from strategic meetings, withheld promotions and salary increases, or ignored in office communications. The goal is to make workers lose their sense of belonging to their jobs and the company. Through this psychological neglect, workers feel pressured, unappreciated, and ultimately "forced out." This form of pressure is rarely documented in formal

[8]Kasih1Ω, DPD, Dananjaya, NS, Sudiarawan, KA, & Wimuna, IPB (2021). Constructive Termination of Employment by Indonesian Companies: A Comparative Study.

documents, making it difficult to detect and prove. This practice causes not only material losses but also damages workers' mental health. Legally, silent firing is also a form of covert layoffs through a hostile work environment. Both practices, both quiet firing and silent firing, have the potential to violate the basic principles of employment relations as stipulated in Indonesian Employment Law. In this regard, the fundamental principle of termination of employment requires a valid reason and fair procedures before an employment relationship can be terminated. Article 151 paragraph (1) of the Employment Law stipulates that employers, workers/laborers, labor unions, and the government are obliged to ensure that termination of employment does not occur.[9]When employers intentionally create pressure or neglect, the principle of last resort for dismissal has been fundamentally violated. Furthermore, Article 155 paragraph (1) of the Manpower Law states that dismissal without a decision from an industrial relations dispute resolution body is null and void.[10]Therefore, even though the resignation is carried out formally by the employee, if it is proven that there was pressure from the company, this action can be categorized as unilateral dismissal which is against the law.

The phenomena of quiet and silent firing are interpreted as forms of disguised layoffs (constructive dismissal), although they are not explicitly regulated in Indonesian law. The main regulation currently in effect is Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law. Disguised layoffs occur when employers, instead of directly firing workers, create work conditions that make them unbearable. Methods such as not providing a significant workload, withholding promotions, or transferring workers to positions unsuitable for their skills are examples of quiet firing that lead to constructive dismissal. This practice deviates from the mandatory layoff resolution mechanism based on the determination of an industrial relations dispute resolution body. Normatively, labor law positions workers as subjects who must be protected from unfair practices.

The phenomena of quiet and silent firings are particularly complex because they are difficult to legally prove in industrial relations courts. Moral pressure, promotion neglect, or excessive workloads are often not formally documented in company documents. As a result, workers struggle to provide objective evidence to convince judges that their resignations were forced. This makes an interdisciplinary approach crucial in assessing violations of workers' rights. This approach requires combining formal legal analysis with work psychology and organizational ethics. Psychological aspects can assess the level of stress or suffering experienced by workers due to management neglect. Ethical analysis can uncover bad faith in companies implementing unfair human resource management practices. This integration of disciplines allows judges and mediators to view covert layoffs more comprehensively and fairly.

In practice, both quiet and silent firings frequently occur in the technology sector, which is undergoing a wave of restructuring and efficiency. The Shopee Indonesia case in 2022 is a clear example of this disguised layoff practice.[11]Thousands of employees were reportedly laid off through "resignation offers" after the company undertook a major restructuring.[12]The company didn't officially call it a layoff, but employees experienced significant moral pressure. This pressure took the form of minimal assignments and restricted work communication by superiors and management. This situation systematically left workers feeling marginalized and without job prospects. They ultimately decided to leave on their own to seek clarity on their status.[13]This case shows that the practice of covert layoffs is an effective tool for companies to reduce severance compensation costs without violating formal layoff procedures. The silent firing phenomenon was also observed in the restructuring that occurred at PT GoTo Gojek Tokopedia in 2023. Some workers affected by the restructuring reported that they were given unrealistic and difficult-to-achieve workloads.[14]Another form of pressure is exclusion from strategic meetings or important office activities. Previously active and important employees are now given roles that don't contribute substantially. This situation represents a subtle yet effective form of

[9]Gunawan, H. (2022). Analysis of Changes to Law Number 13 of 2003 Concerning Manpower with the Enactment of Law Number 11 of 2020 Concerning Job Creation. Journal Justice, Vol. 4, No. 2.
[10]Fauzi, AF (2023). Legal Politics of the Job Creation Law in Industrial Relations Aspects. Lex Renaissance, Vol. 8, No. 1, pp. 20-38.
[11]Cnbcindonesia.com, " The Reason Shopee Indonesia Finally Lays Off Employees",https://www.cnbcindonesia.com/tech/20220919112523-37-373161/alasan-shopee-indonesia-akhirnya-phk-karyawan, accessed on October 19, 2025.
[12]Tempo.co, "Shopee Indonesia Denies Rumors of Mass Layoffs: Relocating a Number of Employees to Yogyakarta and Solo"https://www.tempo.co/ekonomi/tepis-isu-phk-massal-shopee-indonesia-relokasi-sejumlah-karyawan-ke-yogyakarta-dan-solo-31901accessed on October 19, 2025.
[13]Metrotvnews.com, "Shopee Indonesia Denies Layoffs",https://www.metrotvnews.com/play/koGCRAYe-shopee-indonesia-bantah-lakukan-phkaccessed on October 19, 2025.
[14]Cnbcindonesia.com, "GOTO's One-Year Track Record and the Story Behind Tokopedia TikTok's Layoffs,"https://www.cnbcindonesia.com/research/20240614141032-128-546700/rekam-jejak-goto-setahun-dan-kisah-di-balik-phk-tokopedia-tiktok, accessed on October 19, 2025.

psychological pressure.[15]The goal is clear: to get them to leave the company without formal severance pay. These two cases in the technology sector represent a shift in how employers manage layoff risk. This practice creates a gap between das sollen (legal norms) and das sein (empirical reality) in the workplace. The practice of covert layoffs is not limited to the private sector but also occurs in state-owned enterprises, making it a national issue. The case of PT Merpati Nusantara Airlines (Persero) is a classic example of the situation at a state-owned enterprise. Following the Homologation of the PKPU Decision Number 4/Pdt.Sus-PKPU/2018/PN.Niaga.Sby, thousands of the airline's employees lost their jobs without any clarity on severance pay.[16]Companies undergoing liquidation and restructuring create prolonged legal uncertainty for workers. Although the formal reason is corporate failure, the implication for workers is the forced loss of normative rights. The three cases above demonstrate that the practice of covert layoffs is a structural problem and requires stronger legal intervention. This situation underscores the vulnerability of Indonesian labor law protections to unethical management practices.

The main legal consequence of the practice of quiet and silent firing is the loss of workers' rights to severance pay. This phenomenon is disguised as a resignation letter written "at the request" of the company, thereby depriving workers of their normative rights. However, Article 156 paragraph (1) of the Manpower Law stipulates that workers who are laid off are entitled to severance pay, long-service bonuses, and other compensation.[17]If this disguised layoff is legally recognized as unilateral, the employer is obligated to pay these entitlements. Therefore, quiet firing can be categorized as an attempt by the company to avoid its obligations under Article 156. Stronger legal enforcement is needed to protect workers from harmful, fraudulent practices. This compensation is crucial for workers to maintain their livelihoods while searching for new employment.

Article 151 paragraph (1) of the Employment Law states that:[18]

> "Employers, workers/laborers, workers' unions/labor unions, and the government must make every effort to ensure that termination of employment does not occur."

However, in practice, companies often resort to “silent dismissals” by not directly firing workers, but by creating work situations that lead workers to choose to resign on their own (constructive dismissal). This is done, for example, by not giving workloads, not involving them in office activities, withholding promotions, or transferring workers to positions that do not match their skills. In this context, there is a shift from das sollen (what should apply according to law) to das sein (what happens in reality). Normatively, Indonesian labor law positions workers as subjects who must be protected, but in fact, the monitoring and enforcement mechanisms are often weak. In addition, quiet firing, namely the condition when workers are “forced” to resign due to management pressure, is not expressly regulated in national law. This phenomenon is often disguised in the form of resignation letters made “at the request” of the company, so that workers lose their right to severance compensation. However, according to Article 156 paragraph (1) of the Manpower Law, workers who are laid off are entitled to severance pay, long service awards, and other compensation rights.[19]

To address the existence of quiet and silent firing, the need for legal enforcement is urgent. Indonesian Labor Law must explicitly regulate and define constructive dismissal or disguised layoffs. Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPHI) needs to strengthen its mechanisms. The Industrial Relations Court (PHI) must have clear guidelines regarding the standard for proving psychological pressure. The legal interpretation of the PHI needs to be expanded to encompass subtle and informal employer actions. Realizing this legal protection requires collaboration between legislators, legal practitioners, and industrial psychologists. Strict preventive measures and sanctions are needed to deter companies that engage in unethical practices. Ultimately, this enforcement will restore balance and fairness to employment relations in Indonesia.

[15]Tirto.id, “Quite Firing, Layoffs & Severance Pay: A Trick Under the Pretext of Rescue”,https://tirto.id/akal-akalan-perusahaan-keluar-dari-jerat-pesangon-gUAU, accessed on October 19, 2025.
[16]Decision of the Surabaya Commercial Court Number 4/Pdt.Sus-PKPU/2018/PN.Niaga.Sby regarding the Homologation of PKPU of PT Merpati Nusantara Airlines (Persero), November 14, 2018.
[17] Djumadi, Indonesian Labor Law, (Jakarta: RajaGrafindo Persada, 2015), p. 231.
[18] Tjandra, WR, Employment Law from the Perspective of Worker Protection, (Jakarta: Prenada Media, 2020), p. 82.
[19] Tjandra, WR, Employment Law from the Perspective of Worker Protection, (Jakarta: Prenada Media, 2020), p. 104.

Comparison of Indonesian, Singaporean, and United States Employment Laws in Regulating Indirect Termination of Employment (PHK)

Comparative labor law is highly relevant for finding solutions to the problem of indirect layoff practices, such as quiet and silent firing, in Indonesia. This phenomenon is universally known as constructive dismissal or constructive discharge in other countries' legal systems. We compare Indonesia with Singapore and the United States, which represent fundamentally different legal systems and philosophies of employment relations. Singapore's legal system tends to be statutory and emphasizes fair termination. Meanwhile, the United States is based on the doctrine of employment at will with intervention through strong jurisprudence. The goal is to identify the most effective regulatory model for protecting workers from subtle management pressure. Indonesia currently lacks explicit norms, requiring lessons from the experiences of other countries. It is clear that the regulation of indirect layoffs has become a global issue in the modern workforce.

1. **Singapore**

Singapore explicitly recognizes a form of indirect termination of employment, known as constructive dismissal, in its employment law system. The primary regulation is the Employment Act 1968 (Cap. 91), which provides the legal framework for employment relationships.[20]This recognition provides a clear legal basis for workers who are forced to resign due to an unbearable work environment.[21]In cases of constructive dismissal, workers can file a claim with the Employment Claims Tribunal (ECT). The ECT is a specialized institution designed to resolve employment disputes quickly and efficiently. The Singaporean legal system emphasizes the principle of fair termination, which states that any termination of employment must have a valid reason. This principle is reinforced by the company's obligation to implement due process or fair procedures.

The Singapore model has demonstrated high effectiveness in protecting workers from indirect layoffs. Its implementation is supported by the clarity of the Employment Act and the existence of the ECT as an easily accessible dispute resolution forum. Practices such as silent firing are directly categorized as violations of fair employment principles.[22]If an employer is proven to have intentionally created oppressive conditions, the company can be held legally liable. This includes compensation obligations, similar to those for regular layoffs. The emphasis on fair termination makes employers more cautious and obligated to document the reasons and process for layoffs. Workers in Singapore have greater legal certainty in asserting their rights in the event of a disguised layoff. This model inspires Indonesia to adopt clear norms and facilitate workers' access to justice.

2. **United States of America**

In significant contrast to Indonesia and Singapore, the United States' employment law system is based on the fundamental principle of employment at will. This principle states that an employment relationship can be terminated by either the employer or the employee at any time, with or without cause. This provides significant flexibility for both parties in the labor market. Its philosophical foundation is freedom of contract and minimal state intervention in private relationships. However, the employment at will principle has several exceptions.[23]These exceptions include prohibitions against dismissal in violation of federal or state discrimination laws. Another exception is when the dismissal violates a written employment contract. These conditions essentially place US workers in a relatively more vulnerable position to layoffs. To balance the principle of employment at will, United States courts have developed the doctrine of constructive discharge.[24]This doctrine allows workers to sue for compensation if their resignation is caused by intolerable working conditions created by their employer. One key case that affirms this doctrine is Pennsylvania State Police v. Suders (542 US 129, 2004).[25]The US Supreme Court has affirmed that constructive discharge is a valid form of termination of employment. The primary requirement is that the employee prove that the company

[20]Bingham of Cornhill,. (2001). Singapore Academy of Law Annual Lecture 2001: From Servant to Employee: A Study of the Common Law in Action. Singapore Academy of Law Journal, Vol. 13, no. 2, p. 253-266.
[21] Ministry of Manpower Singapore, Fair Employment Guidelines, 2023.

[22]Tan, K. W. (2020). Dismantling the Trojan Horse in Singapore: A Critical Evaluation of the Implied Terms of Mutual Trust and Confidence. International Journal of Comparative Labor Law and Industrial Relations, Vol. 36, no. 3.
[23] Summers, Clyde W., "Employment at Will in the United States: The Divine Right of Employers," University of Pennsylvania Journal of Labor Law Vol. 3 (1998): 65–86.
[24]Underwood, S. D. (1997). Constructive Discharge and the Employer's State of Mind: A Practical Standard. U.Pa. J. Lab. & Emp. L., 1, 343.
[25]Norrick, C. L. (2005). Eliminating the intent requirement in constructive discharge cases: Pennsylvania State Police v. Suders. Wm. & Mary L. Rev., 47, 1813.

intentionally created a work environment so detrimental that it forced the employee to resign.[26]Under this doctrine, layoffs are not immediately recognized as violations, especially if based on discrimination or harassment. This doctrine serves as a judicial check against abuses of the employment-at-will principle. Despite its legal recognition, the implementation of the constructive discharge doctrine in the United States faces significant challenges. The burden of proof rests entirely on the employee, who must demonstrate the employer's malicious intent or purpose. Working conditions must be truly intolerable, a very high standard. This makes the doctrine more effective in cases of severe harassment than in cases of more subtle, silent firings. Court proceedings in the US also tend to be lengthy and costly. Consequently, constructive discharge's effectiveness in addressing both quiet and subtle forms of silent firings tends to be lower than that of statutory-based systems. However, the doctrine's existence demonstrates the common law system's ability to adapt to modern forms of layoffs.

This comparison underscores the urgency for Indonesia to undertake in-depth labor law reform. The implication is that the absence of explicit norms grants impunity to employers who carry out covert layoffs. A norm explicitly recognizing and defining constructive dismissal is needed in the Employment Law. This norm could be positioned as a legitimate exception to resignation as stipulated in Article 162 of the Employment Law. Adopting Singapore's fair termination principle could be an ideal model for strengthening worker protection. This reform should also include strengthening the role of the Indonesian Employment Law Enforcement Agency (PPHI) in assessing informal evidence. This legislative step is crucial to restoring balance, dignity, and fairness to national labor relations.

An Interdisciplinary Approach to Legal Protection for Workers Facing Quiet Firing and Silent Firing Practices

Legal protection for workers in Indonesia has a very strong and fundamental constitutional basis. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) explicitly guarantees that “Every citizen has the right to work and a decent living for humanity.” This guarantee is reinforced by Article 28D paragraph (2) of the 1945 Constitution, which states, “Everyone has the right to work and to receive fair and decent remuneration and treatment in employment.” These two articles emphasize that the right to work and fair treatment is an integral part of human rights that must be guaranteed by the state. Therefore, the practices of quiet firing and silent firing that force workers to leave without adequate compensation can be considered contrary to these constitutional values. These practices clearly threaten workers’ rights to a decent living and fair treatment. The state’s responsibility is to ensure that this constitutional norm is realized in everyday employment practices.

On the other hand, the Employment Law is the primary legal umbrella governing termination of employment. Article 1, number 25 of the Law defines Termination of Employment (PHK) as “the termination of an employment relationship due to a specific reason.” Another important clause is Article 151 paragraph (1), which requires all parties to “make every effort to prevent termination of employment.” This provision implicitly prohibits employers from creating conditions that force workers to resign. If the resignation occurs not of the worker's free will, but due to psychological or structural pressure, then it can be legally qualified as a unilateral layoff. This qualification makes the practice of quiet firing contrary to Article 155 paragraph (1), which states that layoffs without a determination by an industrial relations dispute resolution institution are null and void.

The revision to the Employment Law through Law Number 11 of 2020 concerning Job Creation (amended by Law No. 6 of 2023) has the potential to open loopholes for indirect layoffs. Article 154A paragraph (1) of the Job Creation Law provides a list of valid reasons for layoffs that are limited in nature, such as company efficiency or bankruptcy. However, not a single clause in this article mentions resignations due to work pressure. The flexibility provided by the Job Creation Law is often abused by employers to package quiet firings under the pretext of “efficiency” or “changes in organizational structure.” This action is carried out without going through the bipartite negotiations required by Article 151 paragraph (2) of Law No. 13 of 2003. In the absence of this explicit norm, legal questions arise regarding the position of workers who are “forced” to leave without formal layoffs. This gap hinders effective protection for workers from the practice of forced resignation. The industrial relations dispute resolution mechanism (PPHI) stipulated in Law Number 2 of 2004 has become difficult for victims of silent firing to access. The PPHI Law provides a framework for settlement through bipartite negotiations, mediation, conciliation, arbitration, and lawsuits to the Industrial Relations Court (PHI).

[26]Kende, M.S. (1995). Deconstructing Constructive Discharge: The Misapplication of Constructive Discharge Standards in Employment Discrimination Remedies. Notre Dame L. Rev., 71, 39.

However, the biggest challenge is the lack of formal evidence of dismissal in silent firing cases. Many cases stall at the informal negotiation stage because workers lack official documents supporting and demonstrating indirect (covert) termination of employment. Proving psychological pressure, promotion neglect, or exclusion requires informal evidence that is difficult to accept within the formal legal framework. As a result, legal protection is merely declaratory and ineffective in practice. Therefore, a revision of the PPHI Law is needed to accommodate informal and psychological evidence in cases of constructive dismissal.

The phenomenon of quiet firing and silent firing extends to the realm of human rights violations. Termination of employment without legitimate reasons or through psychological pressure can be categorized as a violation of the right to decent work. Article 23 paragraph (1) of the Universal Declaration of Human Rights (UDHR) states that "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." The systematic practice of quiet firing directly violates this principle. In addition, ILO Convention No. 158 on Termination of Employment (1982), although not yet ratified by Indonesia, is an important reference. Article 4 of ILO Convention No. 158 states that layoffs may not be carried out unless there are legitimate reasons related to the capacity, behavior of the worker, or operational needs.

ILO Convention No. 158 affirms the universal principle of due process, or fair procedures, before termination of employment. Article 7 of ILO Convention No. 158 states that a worker's employment may not be terminated for reasons related to their conduct or performance before they have been given an opportunity to defend themselves. This principle is particularly relevant to the case of silent firing, as the practice disregards workers' right to defend themselves. In silent firing, workers are marginalized without warning or opportunity to improve themselves. The absence of valid reasons and due process in both quiet and silent firings contradicts ILO international standards. Although Indonesia has not ratified this Convention, its principles align with the values of Pancasila and the protection of human rights under the 1945 Constitution.

An interdisciplinary approach requires analysis from an industrial psychology perspective to understand the impact of silent firing. In this study, silent firing is often considered a form of abusive supervision, where superiors systematically exclude workers. This practice causes severe psychological distress and a sense of powerlessness in workers. The impact of this distress can lead to serious mental disorders, such as chronic stress, anxiety, or depression. Formal law tends to ignore this dimension of psychological harm. Integrating psychological analysis allows courts to assess the employer's malicious intent and the extent of the non-material harm suffered by workers. Testimony from a psychological expert can help the Industrial Relations Court confirm that the worker's resignation was not voluntary but rather a consequence of a work environment that places excessive pressure on the workforce.

From a sociological perspective, silent firing creates an extreme power imbalance between employers and workers. This practice weakens collective solidarity and destroys a healthy work ethic within the company. Meanwhile, a labor economics perspective views silent firing as a corporate efficiency strategy. Companies seek to avoid the burden of legal compensation and expensive administrative costs of layoffs. However, this practice negatively impacts long-term productivity by creating a climate of job insecurity. Therefore, an interdisciplinary approach allows for an understanding that violations of labor norms are not only a formal legal issue but also concern moral, social, and human well-being aspects.

A real-life case in Indonesia illustrates the weakness of protection without an interdisciplinary approach. The 2021 case of PT Garuda Indonesia (Persero) Tbk. demonstrated employees who were "asked" to voluntarily resign due to restructuring.[27]Although there were no formal layoffs, internal pressure and management policies caused many workers to lose their severance pay.[28]Similar cases also occurred at several technology companies in Indonesia (2023–2024) through voluntary resignation programs that involved forced resignations. Implementing interdisciplinary protection requires Industrial Relations (PHI) judges who are sensitive to psychological and sociological evidence. The PHI should use evidence of abusive supervision from psychologists as a strong indication of disguised layoffs. This step can strengthen workers' already weak bargaining position against company management.

[27]Kompas.tv, "These are the Compensations that Garuda Employees Will Receive if They Take Early Retirement", https://www.kompas.tv/bisnis/179080/ini-sejumlah-kompres-yang-akan-diterima-karyawan-garuda-jika-ambil-pensiun-dini , accessed on October 20, 2025.
[28]Finance.detik.com, "Severance Pay Calculations for Garuda Employees Who Want to Retire Early"https://finance.detik.com/berita-ekonomi-bisnis/d-5588703/hitung-hitungan-pesangon-buat-karyawan-garuda-yang-mau-pensiun-dini, accessed on October 20, 2025.

Strengthening legal protection mechanisms is absolutely necessary through synchronization of national laws and international standards. The primary recommendation is the inclusion of explicit norms regarding constructive dismissal in the Manpower Law. These norms should include definitions and criteria that incorporate psychological and work ethic dimensions. The Industrial Relations Court (PHI) should be authorized to summon experts in psychology or sociology of work as expert witnesses in cases of disguised layoffs. Furthermore, public awareness of the right to appeal for workers experiencing forced resignation needs to be increased. Synergy between law enforcement (PHI), psychological perspectives, and constitutional norms will ensure not only declarative but also effective protection for Indonesian workers. This comprehensive measure is crucial to addressing new forms of exploitation in modern employment relations.

Conclusion

The phenomena of quiet firing and silent firing represent new forms of termination of employment that substantially contradict the principles of fairness and labor protection mandated by Indonesian labor law. These two practices demonstrate a discrepancy between das sollen (normative rules) and das sein (actual practice in the field). Normatively, Indonesian laws and regulations—specifically Law Number 13 of 2003 concerning Manpower and Law Number 6 of 2023 concerning the Enactment of the Job Creation Regulation into Law—emphasize that termination of employment must be carried out fairly, transparently, and based on legitimate reasons. However, in practice, many companies employ silent or constructive firing strategies to avoid legal liability and compensation obligations to workers.

Interdisciplinary studies show that this issue is not only legal, but also sociological, psychological, and economic. From a legal perspective, there is a gap in norms that do not yet accommodate this form of disguised layoffs; from a social perspective, this phenomenon weakens labor solidarity; from a psychological perspective, it causes psychological stress and a degradation of workers' dignity; and from an economic perspective, it leads to job insecurity, which impacts national productivity. Compared with Singapore and the United States, Indonesia lags behind in recognizing and legally addressing the practice of constructive dismissal. In Singapore, this concept has been explicitly regulated and can be challenged through the Employment Claims Tribunal. In the United States, through the doctrine of constructive discharge, workers can assert their rights if their resignation is due to intolerable working conditions.

Recommendation

Based on the results of international studies and comparisons, national labor law reforms need to accommodate a number of strategic steps to address the phenomena of quiet and silent firing. The government is advised to add a new norm to the Manpower Law that recognizes constructive dismissal as a legally valid form of termination of employment, so that workers have the right to claim compensation if their resignation is proven to be forced. The Ministry of Manpower, together with supervisory institutions, must also strengthen oversight mechanisms for indirect layoffs, particularly through the evaluation of mass resignation letters, and encourage industrial relations dispute resolution institutions to apply progressive interpretations to similar cases. Furthermore, psychosocial protection for workers needs to be regulated through derivative regulations that prevent abusive supervision and workplace isolation as forms of non-physical violence, in line with the principles of Decent Work campaigned by the ILO.

Furthermore, the principles of transparency and corporate accountability must be upheld by requiring all termination policies to be publicly announced and reported to labor agencies to ensure legal compliance and business ethics. Workers also need to receive adequate legal education and advocacy to understand their rights and not be easily pressured to resign unilaterally, with active support from labor unions and legal aid institutions. The government is advised to consider ratifying ILO Convention No. 158 (1982) to strengthen the international legal basis for protection against unlawful terminations and enhance Indonesia's reputation in global forums. Finally, future labor policies should integrate a multidisciplinary approach between law, economics, sociology, and organizational psychology to be more adaptive and humane in facing the dynamics of the modern workplace.

REFERENCES

Book

Djumadi, Hukum Perburuhan Indonesia, (Jakarta: RajaGrafindo Persada, 2015), hlm. 231.

Philipus M. Hadjon, Perlindungan Hukum bagi Rakyat Indonesia (Surabaya: Bina Ilmu, 1987).

Roscoe Pound, An Introduction to the Philosophy of Law (New Haven: Yale University Press, 1922).

Satjipto Rahardjo, Hukum Progresif: Sebuah Sintesa Hukum Indonesia (Yogyakarta: Genta, 2009).

Tjandra, W.R., Hukum Ketenagakerjaan dalam Perspektif Perlindungan Pekerja, (Jakarta: Prenada Media, 2020).

Journal and Article

Bingham of Cornhill,. (2001). Singapore Academy of Law Annual Lecture 2001: From Servant to Employee: A Study of the Common Law in Action. Singapore Academy of Law Journal, Vol. 13, No. 2, hlm. 253-266.

Fauzi, A. F. (2023). Politik Hukum Undang-Undang Cipta Kerja Pada Aspek Hubungan Industrial. Lex Renaissance, Vol. 8, No. 1, hlm. 20-38.

Gunawan, H. (2022). Analisis Perubahan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan Dengan Disahkannya Undang-Undang Nomor 11 tahun 2020 Tentang Cipta Kerja. Journal Justice, Vol. 4, No. 2.

Kasih1Ω, D. P. D., Dananjaya, N. S., Sudiarawan, K. A., & Wimuna, I. P. B. (2021). Constructive Termination of Employment by Indonesia Companies: A Comparative Study.

Kende, M. S. (1995). Deconstructing Constructive Discharge: The Misapplication of Constructive Discharge Standards in Employment Discrimination Remedies. Notre Dame L. Rev., 71, 39.

Kıcır, G. K. (2024). The New Silence Trend for Businesses: Quiet Hiring. İşletme Bilimi Dergisi, Vol. 12, No. 3, hlm. 359-369.

Ministry of Manpower Singapore, Fair Employment Guidelines, 2023.

Norrick, C. L. (2005). Eliminating the intent requirement in constructive discharge cases: Pennsylvania State Police v. Suders. Wm. & Mary L. Rev., 47, 1813.

Oquendo, S., Bell, R., & Kitenge, E. (2024). Which Came First, Quiet Quitting or Quiet Firing? The Paradox of Constructive Discharge vs Employee Disengagement. The Paradox of Constructive Discharge vs Employee Disengagement (December 23, 2024).

Serenko, A. (2024). The human capital management perspective on quiet quitting: recommendations for employees, managers, and national policymakers. Journal of Knowledge Management, Vol. 28, No. 1, hlm. 27-43.

Summers, Clyde W., "Employment at Will in the United States: The Divine Right of Employers," University of Pennsylvania Journal of Labor Law Vol. 3 (1998): 65–86.

Tan, K. W. (2020). Dismantling the Trojan Horse in Singapore: A Critical Evaluation of the Implied Term of Mutual Trust and Confidence. International Journal of Comparative Labour Law and Industrial Relations, Vol. 36, No. 3.

Underwood, S. D. (1997). Constructive Discharge and the Employer's State of Mind: A Practical Standard. U. Pa. J. Lab. & Emp. L., 1, 343.

PUTUSAN PENGADILAN

Putusan Pengadilan Niaga Surabaya Nomor 4/Pdt.Sus-PKPU/2018/PN.Niaga.Sby tentang Homologasi PKPU PT Merpati Nusantara Airlines (Persero), 14 November 2018.

INTERNET/WEBSITE

Cnbcindonesia.com, "Rekam Jejak GOTO Setahun dan Kisah di Balik PHK Tokopedia TikTok", https://www.cnbcindonesia.com/research/20240614141032-128-546700/rekam-jejak-goto-setahun-dan-kisah-di-balik-phk-tokopedia-tiktok, diakses pada 19 Oktober 2025.

Cnbcindonesia.com, " Alasan Shopee Indonesia Akhirnya PHK Karyawan", https://www.cnbcindonesia.com/tech/20220919112523-37-373161/alasan-shopee-indonesia-akhirnya-phk-karyawan, diakses pada 19 Oktober 2025.

Finance.detik.com, "Hitung-hitungan Pesangon buat Karyawan Garuda yang Mau Pensiun Dini" https://finance.detik.com/berita-ekonomi-bisnis/d-5588703/hitung-hitungan-pesangon-buat-karyawan-garuda-yang-mau-pensiun-dini, diakses pada 20 Oktober 2025.

Kompas.tv, "Ini Sejumlah Kompensasi yang akan Diterima Karyawan Garuda jika Ambil Pensiun Dini", https://www.kompas.tv/bisnis/179080/ini-sejumlah-kompensasi-yang-akan-diterima-karyawan-garuda-jika-ambil-pensiun-dini , diakses pada 20 Oktober 2025.

Metrotvnews.com, "Shopee Indonesia Bantah Lakukan PHK", https://www.metrotvnews.com/play/koGCRAYe-shopee-indonesia-bantah-lakukan-phk diakses pada 19 Oktober 2025.

Tempo.co, "Tepis Isu PHK Massal, Shopee Indonesia: Relokasi Sejumlah Karyawan ke Yogyakarta dan Solo", https://www.tempo.co/ekonomi/tepis-isu-phk-massal-shopee-indonesia-relokasi-sejumlah-karyawan-ke-yogyakarta-dan-solo-31901 diakses pada 19 Oktober 2025.

Tirto.id, "Quite Firing, PHK & Pesangon: Akal-akalan Berdalih Penyelamatan", https://tirto.id/akal-akalan-perusahaan-keluar-dari-jerat-pesangon-gUAU, diakses pada 19 Oktober 2025.