

THE URGENCY OF REGULATING THE RIGHT TO DISCONNECT FOR WORKERS' RIGHTS IN INDONESIA

Maria Julia Albertino

University of 17 August 1945 Surabaya, Indonesia

Email: mariajuliaalbertino08@gmail.com

Abstrak

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The development of information and communication technology has brought significant changes in employment patterns, particularly through the use of digital devices that allow work to be carried out without limitations of space and time. This condition has given rise to a tendency for workers to be constantly connected to work, even outside of formal working hours, thus blurring the boundaries between work time and personal time. This phenomenon has the potential to disrupt workers' rights to rest, health, and work-life balance. This study aims to analyze the urgency of regulating the Right to Disconnect as a form of protection for workers' rights in Indonesia and examine the concept of its regulation within the national labor law system. The French experience shows that regulating the Right to Disconnect can provide legal certainty and clearer protection for workers without reducing work flexibility. Regulation of the Right to Disconnect in Indonesia is important as an effort to adapt labor law to technological developments and to strengthen the protection of workers' rights in modern employment relations.

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INTRODUCTION

Digital transformation has brought significant changes to employment relations, particularly through the use of communication technology that allows work to be performed without spatial and temporal boundaries. This technology-based work pattern encourages intensified work communication outside formal working hours, causing the boundary between work time and workers' personal time to become increasingly blurred. This situation raises new legal issues regarding the protection of workers' rights, especially the right to rest, health, and balance in life.

Within Indonesia's labor law system, regulations on working hours, overtime, and rest time are provided in existing laws and regulations. However, these provisions remain oriented toward conventional work patterns and do not explicitly accommodate



digital work practices that demand continuous worker connectivity through electronic communication facilities. As a result, workloads outside working hours are often not recorded as overtime and are not followed by adequate legal protection, potentially harming workers.

These developments indicate a mismatch between applicable legal norms and the reality of modern employment relations. Workers are vulnerable to work pressure that exceeds working-hour limits without clear protective mechanisms. This condition reduces workers' rights to rest and health, contradicting the principle of worker protection and the right to decent work. Workers are a crucial element in a country's economic and social development. Without workers, the production and distribution of goods and services would not function properly. However, in fulfilling their role, workers should not be seen merely as tools of production, but as human beings with dignity and fundamental needs that must be respected and protected.

Workers' needs are not limited to wages as compensation, but also include other fundamental rights such as fair treatment, safe working conditions, rest time, and the right to maintain a balance between personal life and work. Workers occupy a strategic position as drivers of national productivity as well as beneficiaries of economic growth. Yet, workers are still often viewed merely as factors to be maximized for corporate interests or economic growth. This creates imbalance by neglecting the fact that workers are human beings with dignity, rights, and the need for a prosperous life. Such prosperity includes not only material fulfillment through adequate wages, but also immaterial needs such as mental health, rest time, opportunities to spend time with family, and space for self-development.

In the era of globalization, workers' roles have become increasingly complex as they are required to adapt to new technologies, compete in an international labor market, and face flexible work systems. These changes open new opportunities, but also create major challenges particularly related to the protection of workers' rights. Without adaptive regulation, workers may become trapped in work systems that are oppressive and harmful.

Workers' rights cannot be separated from other fundamental human rights. The right to health is closely tied to working conditions that must not endanger workers physically or mentally. The right to education relates to opportunities for workers to develop their capacities. Even the right to family life requires adequate leisure time for interaction with family. Many workers in Indonesia still face serious challenges in fulfilling these rights. The phenomenon of excessive overtime without compensation, informal work without social security, and digital work burdens without time boundaries are real examples of violations of workers' rights, reflecting gaps between the ideal protection of human rights and workers' daily realities.

Labor protection is a series of efforts aimed at guaranteeing the fulfillment of workers' basic rights, as well as encouraging equal opportunity and non-discriminatory treatment, with the ultimate goal of improving workers' welfare and that of their families. Such protection must adjust to the dynamics of business development without ignoring the interests of workers or employers. In Indonesia's legal system, various laws regulate labor protection, including Law Number 13 of 2003 on Manpower and its implementing regulations as part of national labor law. The existence and role of labor is strategically important not only as the main driver of economic activities but also as a subject and primary goal of national development.

Digital technology development has significantly transformed the world of work. In the past, work was mostly performed physically with clear time boundaries; today, digitalization allows work to occur anytime and anywhere. This transformation changes communication patterns and work systems while also creating new challenges in protecting workers' rights particularly regarding rest time, mental health, and work-life balance.

Full-time workers (40 hours per week), such as permanent or contract employees working 8 hours a day \times 5 days (40 hours), or 7 hours a day \times 6 days (42 hours). Article 77 paragraph (2) Law Number 39 of 1999 on Human Rights. Law Number 13 of 2003: working time is determined as 7 hours \times 6 days or 8 hours \times 5 days. Daily workers, such as factory daily laborers, construction workers, or event workers called based on needs, Article 59 paragraph (5) Law Number 13 of 2003: daily employment relations are conducted for work that is not permanent. Freelance or flexible fixed-term contract workers: working hours are not bound by the 40-hour weekly rule, depending on the work agreement. Article 50 in conjunction with Article 81 point 15 Law Number 6 of 2023 (Job Creation Law): employment relations arise due to a work agreement, which may take the form of a fixed-term contract (PKWT) or permanent contract (PKWTT). (including types of workers 40 hours contract, daily, freelance based on working time + article).

The Manpower Law has provided a legal basis Article 79 paragraph (2) letter b stating: "Weekly rest of one day for six working days in one week, or two days for five working days in one week" regulating workers' rights to rest. However, this regulation remains normative and has not accommodated new phenomena arising from modern digitalization, namely the "always connected" culture outside working hours. It is not uncommon for workers to continue receiving communications from supervisors via email, instant messages, or additional work assignments even after their working hours. This condition causes the boundary between work time and rest time to become disorganized. The combination of work flexibility and continuous productivity demands has created a new work pattern known as the always-on culture, which encourages workers to always be ready to respond to work needs at any time, including during rest time, weekends, or even national holidays.

One main phenomenon arising from digitalization is the always-on or constantly connected culture. Communication technologies such as email, WhatsApp, and collaborative work platforms facilitate coordination between workers and employers. However, this convenience also creates a new burden: workers are required to always be available even outside official working hours. Workers often feel compelled to respond to supervisors or colleagues outside working time to maintain a professional image or avoid negative consequences. This situation blurs the boundary between work time and personal time and may cause workers to lose the right to truly rest. This condition potentially violates workers' rights to reasonable working hours as regulated in national labor regulations.

Such pressure from unclear time boundaries cannot be considered trivial. In addition to physical fatigue due to unclear work time, this condition creates ongoing psychological pressure. Workers continuously exposed to this non-formal workload risk experiencing stress, anxiety, mental exhaustion, and overall decreased quality of life. Time that should be used to pursue interests and talents disappears when time for recovery, rest, and social life is eroded by work. Workers basically have the right to

provide attention and childcare to their children after work hours, but in practice many workers are still burdened with additional tasks from supervisors, such as obligations to respond to work emails or WhatsApp messages at night. This condition illustrates that the boundary between work time and personal time is increasingly blurred, and thus workers' rights to rest and fulfill social roles in family life are neglected. For example, an administrative employee who works all day at the office is still required to check and reply to work emails from home, even though that time should be used to accompany their child studying or to provide care. What occurs is not only reduced work-life balance but also decreased long-term productivity.

As a response to these challenges, the concept of the Right to Disconnect has developed, granting workers the right not to be connected to work outside working hours without negative consequences. This concept functions as a legal instrument to affirm the boundaries of work obligations while safeguarding balance between productivity interests and worker protection. Several countries have adopted the Right to Disconnect within their labor law frameworks as adaptation to technological developments. This research aims to analyze the urgency of regulating the Right to Disconnect for protecting workers' rights in Indonesia. This study is important to assess the need for labor law reform to remain relevant and capable of responding to employment challenges in the digital era.

Problem Formulation

What is the urgency of regulating the Right to Disconnect as an effort to protect workers' rights in Indonesia?

LITERATURE REVIEW

1. *Digitalization of Work and the Rise of the “Always-On” Culture*

Digital transformation has fundamentally altered how work is organized and experienced. Digital communication tools such as email, messaging apps, and collaborative platforms enable tasks to be completed beyond traditional office boundaries. While such flexibility offers efficiency and responsiveness, it also produces an “always-on” culture where workers are implicitly expected to remain available outside formal working hours. This cultural shift is not merely a managerial phenomenon; it affects legal protections tied to working time and rest. The literature on digital labor highlights how connectivity can lead to work intensification, boundary blurring, and the expansion of “invisible labor,” where unpaid work occurs in the form of responding to messages or handling tasks outside scheduled time.

Scholarly discussions on digital work often emphasize that constant connectivity undermines the classical assumption that work and private life are separable. In conventional employment relations, working time is measurable and bounded by physical presence. However, digital work reduces visibility and documentation of additional labor, making overtime protections less enforceable in practice. Researchers argue that always-on expectations can foster chronic stress, disrupt sleep patterns, and weaken workers' autonomy over their personal time. In addition, it creates power asymmetries: workers may feel compelled to respond to supervisors for fear of being seen as uncommitted.

This literature also notes that the always-on culture is reinforced by performance-based environments and the normalization of fast communication. Even when legal working hours exist, social pressure can sustain an informal extension of work. This

context makes the Right to Disconnect increasingly relevant as a legal response to evolving work structures. In jurisdictions without explicit regulation, workers' rights to rest may become nominal rather than substantive, suggesting that legal systems must modernize their approach to working-time protections in the digital era.

2. *Workers' Rights, Rest Time, and Health Protection in Labor Law*

Workers' rights frameworks traditionally treat rest, health, and reasonable working hours as essential components of decent work. Legal scholarship on labor protection emphasizes that workers must be safeguarded not only in wages and contracts, but also in the conditions that allow sustainable physical and mental well-being. Rest time functions as a recovery mechanism without it, productivity and welfare decline. Many labor law systems including Indonesia's contain norms on daily and weekly working limits, overtime compensation, and mandatory rest. However, contemporary literature argues that these norms were designed for industrial-era work structures, where work was performed in defined places and times.

Modern occupational health studies increasingly link extended working hours and continuous psychological engagement with heightened stress, burnout, and other mental health risks. The labor law discourse has thus expanded beyond physical safety to include psychosocial protection. Researchers underline that mental fatigue and emotional exhaustion are legitimate occupational hazards, particularly when work is technologically mediated. The inability to disengage from work communication such as repeated notifications and after-hours demands can diminish recovery time and blur personal boundaries.

Human rights-based scholarship also frames rest time as inseparable from broader human dignity and well-being. The right to health, family life, and leisure requires the availability of time and freedom from excessive work intrusion. When workers are continuously contacted outside hours, legal rights may be undermined by organizational practice. This gap between normative regulation and daily reality is a recurring concern in labor studies, especially in developing economies where enforcement challenges are common.

The literature therefore suggests that modern labor protection must address not only "work hours" in a strict sense but also the "reach" of work into personal time. The Right to Disconnect emerges as a mechanism that strengthens existing labor protections, ensuring that rest rights are meaningful in digitally connected work environments.

3. *The Concept of the Right to Disconnect: Comparative and Theoretical Perspectives*

The Right to Disconnect is widely discussed as a legal innovation responding to digital-era work patterns. The concept refers to a worker's entitlement to disengage from work-related communications outside agreed working hours without negative consequences. In the academic literature, the Right to Disconnect is seen as an extension of traditional labor protections especially working-time limits and the right to rest adapted to the realities of technological connectivity. Scholars emphasize that the goal is not to reduce flexibility but to prevent flexibility from becoming exploitation.

Comparative legal studies often highlight France as a prominent example, where the Right to Disconnect has been integrated into labor regulation through mechanisms encouraging companies to negotiate digital communication norms. This is often framed as balancing productivity and well-being: employers gain clarity in managing expectations, while workers gain enforceable boundaries. Academic analysis notes that

legal recognition can shift workplace culture by setting standards for acceptable after-hours contact, establishing internal policies, and encouraging work-life balance.

Theoretically, the Right to Disconnect is positioned at the intersection of labor law, human rights, and technological governance. Scholars argue that digital tools should not undermine foundational labor protections. The right is also linked to autonomy and dignity, protecting the worker from constant surveillance or implicit obligations. Some studies stress that enforcement requires more than statutory wording; it also demands organizational implementation such as clear guidelines, training, and dispute resolution systems.

Critiques in the literature point out potential challenges: differing job types, managerial roles, and sectors may require tailored approaches. Additionally, in flexible contract systems, especially freelance and gig work, defining “working hours” can be complex. Nonetheless, most research converges on the view that the Right to Disconnect is a necessary normative response to prevent work encroachment, strengthen occupational health, and modernize labor protection frameworks as digital work becomes permanent.

4. *Legal Gaps and the Urgency of Regulation in Indonesia’s Labor Law Context*

The urgency for regulating the Right to Disconnect in Indonesia can be understood through the lens of legal gap analysis. Legal scholarship frequently discusses how rapid societal change especially technological innovation can outpace regulation. Indonesia’s labor law framework contains provisions on working hours, overtime, and rest rights, yet these provisions are often oriented toward conventional employment models. The literature observes that digital work has introduced new forms of labor expansion that are not easily categorized as overtime, such as after-hours emails, messaging requests, and remote task assignments. These practices create “unrecorded work” that is difficult to regulate under traditional mechanisms.

Studies on Indonesian labor protection also highlight structural issues in enforcement: workers may hesitate to claim overtime or resist after-hours communication due to fear of retaliation or negative performance evaluation. This reinforces the power imbalance between employers and workers. In such conditions, the absence of explicit legal protection for disconnecting can normalize always-on expectations and indirectly reduce workers’ entitlement to rest. Scholars argue that without legal clarity, rest and health rights become vulnerable to informal workplace demands.

In the human rights literature, decent work is interpreted as more than economic compensation it includes fair conditions, sustainable working time, and respect for private life. Regulatory modernization is therefore framed as essential to ensure that workers’ constitutional and statutory rights remain meaningful. The Right to Disconnect, in this context, is seen as a legal tool to translate abstract rights (rest, health, decent work) into operational standards for the digital workplace.

Furthermore, the literature indicates that clear regulation benefits not only workers but also employers, by reducing ambiguity and preventing labor disputes. It can guide organizations in drafting internal policies that align with national standards. Therefore, academic analysis supports the claim that Indonesia’s labor law must adapt to digital work realities through explicit regulation that preserves flexibility while preventing time exploitation and protecting workers’ welfare.

RESEARCH METHOD

This research is normative legal research aiming to examine the urgency of regulating the Right to Disconnect as part of protecting workers' rights in Indonesia. Normative legal research focuses on analysis of legal norms, legal principles, and legal concepts related to employment relations and worker protection in the digital era.

The statutory approach is conducted by examining Indonesian labor law provisions, particularly regulations on working hours, overtime, rest time, and protection of workers' rights as regulated in Law Number 13 of 2003 on Manpower as amended by Law Number 6 of 2023. This approach assesses how far these provisions protect workers from workloads beyond formal working hours.

A conceptual approach is used to analyze the concept of the Right to Disconnect as part of developing principles of worker protection and the right to decent work. In this thesis, the Right to Disconnect is understood as a normative right of workers not to be connected to work communications outside working hours without negative consequences. This approach clarifies the position of the Right to Disconnect within labor law and human rights frameworks.

Legal materials used include primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include relevant labor and human rights laws and regulations. Secondary legal materials include books, journals, research results, and expert opinions discussing employment relations, digital work, and the Right to Disconnect. Tertiary legal materials support clarification of terms and legal concepts used. Data collection is conducted through library research. All collected legal materials are analyzed qualitatively using descriptive-analytical and prescriptive methods describing applicable legal norms, identifying emerging legal problems, and formulating arguments regarding the urgency of regulating the Right to Disconnect within Indonesia's labor law system.

RESULT AND DISCUSSION

The Urgency of Regulating the Right to Disconnect as a Form of Protecting Workers' Rights in Indonesia

The development of information technology has significantly transformed employment relations in Indonesia. Work activities previously bound to certain spaces and times can now be performed flexibly through digital devices. This condition produces a new expectation that workers must always be reachable, including outside formal working hours. Research findings show that such practices increasingly blur the boundary between work time and rest time, potentially weakening worker protection as intended by labor law.

Indonesian labor law regulates limits on working time in Article 77 paragraph (2) of Law Number 13 of 2003 on Manpower as amended by Law Number 6 of 2023, setting daily and weekly work limits. These provisions aim to ensure workers are not overburdened. Article 78 regulates that work beyond working hours may only be performed as overtime with worker consent and overtime pay obligations. Article 79 emphasizes workers' rights to rest as part of welfare protection.

However, analysis indicates these provisions have not been fully effective in addressing digital work practices. Work instructions delivered via instant messages, email, or work applications outside working hours are often not classified as overtime, despite substantively adding to workload. Under these conditions, workers are in a

weaker position because they lack a strong legal basis to refuse work communications outside working hours without risking negative assessments from employers.

This situation directly impacts workers' rights to rest and health. Article 86 of the Manpower Law guarantees workers' rights to occupational safety and health protection, including mental health. When workers remain digitally connected outside working hours, rest loses its restorative function. Thus, legal protection becomes formal rather than substantive. This condition also contradicts decent work principles. Article 27 paragraph (2) of the 1945 Constitution guarantees every citizen's right to work and a decent living. This is reinforced in Article 38 of Law Number 39 of 1999 on Human Rights, affirming the right to fair and decent working conditions. Decent work relates not only to wages but also to certainty of rest time and balance between work life and personal life.

Regulating the Right to Disconnect is relevant as reinforcement of worker protection norms. The Right to Disconnect can be understood as workers' right not to be bound to work communications outside working hours without legal or administrative consequences. This concept develops from recognized rights to work time limitation and rest time, but has not been explicitly regulated in the digital work context. A legal gap exists in Indonesian labor law related to digital work communication. The absence of specific regulation causes work time boundaries to become blurred and creates space for indirect exploitation of work time. This condition contradicts the protective principle in labor law aimed at protecting workers as the weaker bargaining party.

The urgency of regulating the Right to Disconnect also relates to preventing long-term impacts on workers' health. Workloads exceeding formal working hours, even if not physically visible, may cause mental and emotional exhaustion. This aligns with Article 86's purpose, which includes comprehensive health protection. Without clear boundaries on work communication, health protection risks being reduced to administrative norms. Regulating the Right to Disconnect can bridge conventional labor norms and digital work realities. This regulation should not be interpreted as limiting work flexibility, but as ensuring flexibility does not turn into exploitation. The Right to Disconnect can thus be part of labor policy oriented toward sustainable employment relations and worker welfare.

In addition to protecting workers, regulating the Right to Disconnect provides legal certainty for employers. Without clear guidelines, companies may face labor disputes due to differing interpretations of work obligations outside working hours. With firm regulation, companies can establish internal policies aligned with national law and build healthier, more professional work cultures. Therefore, the urgency of regulating the Right to Disconnect in Indonesia is driven not only by technological development but also by the need to preserve core principles of labor law—ensuring legal certainty, protecting rest and health rights, and achieving decent work in the digital era.

CONCLUSION

Based on the results and discussion, it can be concluded that regulating the Right to Disconnect has high urgency in Indonesia's labor law system. Although existing laws regulate working hours, overtime, and rest rights, these provisions have not effectively protected against digital work practices occurring outside formal working hours. The absence of explicit Right to Disconnect regulation causes blurred work time boundaries

and potentially reduces fulfillment of workers' rights to rest, health, and decent work. Therefore, regulating the Right to Disconnect is necessary as reinforcement and adaptation of labor law to remain aligned with technological development and modern work patterns.

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