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Urgensi Pengaturan Right to Disconnect di Indonesia sebagai Instrumen Perlindungan Hak Istirahat dalam Pemenuhan Konsep Kerja Layak bagi Pekerja Kreatif di Era Digital (Studi Kasus PT X)
Jacqueline Ferina Anastasia Sibarani, Dr. Murti Pramuwardhani Dewi, S.H., M.Hum.
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URGENSI PENGATURAN *RIGHT TO DISCONNECT* DI INDONESIA SEBAGAI INSTRUMEN PERLINDUNGAN HAK ISTIRAHAT DALAM PEMENUHAN KONSEP KERJA LAYAK BAGI PEKERJA KREATIF DI ERA DIGITAL (STUDI KASUS PT X)

Oleh

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan mengkaji perlindungan hukum terhadap hak istirahat bagi pekerja kreatif di era digital ditinjau dari pemenuhan konsep Kerja Layak, serta mengetahui dan mengkaji urgensi pengaturan *right to disconnect* dan waktu kerja fleksibel dalam sistem hukum ketenagakerjaan Indonesia sebagai upaya perlindungan bagi pekerja kreatif.

Penelitian hukum ini menggunakan jenis penelitian hukum normatif-empiris yang bersifat deskriptif. Penelitian ini dilakukan dengan menganalisis data primer melalui studi lapangan dengan mewawancarai responden dan narasumber dengan alat pedoman wawancara serta data sekunder dengan mempelajari bahan hukum primer dan sekunder yang kemudian dianalisis secara kualitatif.

Kesimpulan penelitian ini menunjukkan bahwa perlindungan hukum terhadap hak istirahat pekerja kreatif di PT X belum sepenuhnya memenuhi konsep Kerja Layak. Meskipun terdapat pengaturan jam kerja dan kompensasi lembur, komunikasi kerja digital tetap berlangsung di luar jam kerja sehingga mengaburkan batas antara waktu kerja dan waktu istirahat. Berdasarkan teori perlindungan hukum Philipus M. Hadjon, hukum ketenagakerjaan Indonesia juga belum memberikan perlindungan preventif maupun represif yang memadai terhadap keterhubungan kerja di luar jam kerja. Oleh karena itu, pengaturan *right to disconnect* dan waktu kerja fleksibel perlu dibentuk untuk memberikan kepastian mengenai batas komunikasi kerja digital serta mengakomodasi karakteristik kerja fleksibel di era digital.

Kata Kunci: Pekerja Kreatif, Perlindungan Hukum, *Right to Disconnect,* Kerja Layak, Hak Istirahat.

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THE URGENCY OF REGULATING THE RIGHT TO DISCONNECT IN INDONESIA AS AN INSTRUMENT FOR THE PROTECTION OF THE RIGHT TO REST IN FULFILLING THE DECENT WORK AGENDA FOR CREATIVE WORKERS IN THE DIGITAL ERA (A CASE STUDY OF PT X)

By

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ABSTRACT

This study aims to identify and examine the legal protection of the right to rest for creative workers in the digital era from the perspective of the fulfillment of the Decent Work concept, as well as to identify and analyze the urgency of regulating the right to disconnect and flexible working arrangements within Indonesia's labor law system as measures to protect creative workers.

This legal research employs a descriptive normative-empirical approach. The study was conducted by analyzing primary data obtained through field research, including interviews with respondents and resource persons using interview guidelines as research instruments, as well as secondary data collected through the examination of primary and secondary legal materials. The data were subsequently analyzed using a qualitative method.

The findings of this study indicate that the legal protection of the right to rest for creative workers at PT X has not yet fully satisfied the Decent Work agenda. Despite the existence of formal working hours arrangements and overtime compensation mechanisms, work-related digital communication continues to occur outside of official working hours, thereby blurring the boundary between working time and rest time. Drawing on Philipus M. Hadjon's theory of legal protection, Indonesia's employment law has also failed to provide adequate preventive or repressive protection against the phenomenon of digital work connectivity beyond working hours. Accordingly, the regulation of the right to disconnect and flexible working hours is urgently needed to establish legal certainty regarding the boundaries of digital work communication and to accommodate the characteristics of flexible work arrangements in the digital era.

Keywords: Creative Workers, Legal Protection, Right to Disconnect, Decent Work, Right to Res

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