



(RESEARCH ARTICLE)



## Legal basis and impact of regulating overtime and rest periods for workers

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### Abstract

Workers are a very important resource; therefore, it is necessary to pay attention to working hours and employee health so that worker fatigue does not occur. This study aims to analyze the legal basis and impact of regulating overtime and rest periods for workers, particularly after the enactment of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation (*Perppu Cipta Kerja*). The method used is normative juridical research with a conceptual and statutory approach. Data were analyzed descriptively and normatively based on the provisions of positive law, legal doctrines, and relevant literature. The results show significant differences between the provisions under Law No. 13 of 2003 on Manpower and the *Perppu Cipta Kerja*, particularly regarding overtime duration, the abolition of long rest provisions, and adjustments to annual leave rights. These changes benefit employers in terms of efficiency but may increase health risks for workers such as fatigue and burnout syndrome. This study emphasizes the importance of balancing company productivity and worker health protection. A critical evaluation of the regulations is necessary to ensure that work time and rest policies guarantee legal certainty, fairness, and harmonious industrial relations.

**Keywords:** Working Hours; Overtime; Rest Periods; *Perppu Cipta Kerja*; Labor Law

### 1. Introduction

In social life, differences in needs and interests are inevitable. Although natural, such differences have the potential to cause disputes and conflicts, which may escalate into social disorder if not regulated by clear norms. Legal norms serve as control instruments, officially created by the state authority, binding on all citizens, and enforceable by competent officials. They not only impose obligations but also regulate the rights inherent to every individual, including within industrial relations, with the courts representing society in imposing sanctions.

One manifestation of legal norms in the field of labor is the Employment Agreement, which is an agreement between a worker and an employer outlining the terms of employment, rights, and obligations of both parties. Article 57 paragraph (2) of Law No. 13 of 2003 on Manpower divides employment agreements into two types: Fixed-Term Employment Agreements (PKWT) and Indefinite-Term Employment Agreements (PKWTT). PKWT applies to specific periods or jobs and is commonly used by companies for efficiency, while PKWTT applies without time limits for permanent jobs, granting the worker permanent employee status <sup>(1,2)</sup>.

The use of PKWT is more advantageous for employers as it can reduce operational costs, such as the absence of obligations to provide severance pay, long-service awards, or termination benefits. However, from the workers' perspective, PKWT creates job insecurity, affects career development, and reduces socio-economic guarantees. Conversely, PKWTT offers greater job security and stronger protection of rights. The distinction between the two has become even clearer since the enactment of *Perppu Cipta Kerja*, particularly regarding job types, probationary periods, contract formats, duration, and compensation mechanisms <sup>(3,4)</sup>.

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In addition to employment relations, the Manpower Law and its implementing regulations govern working hours, overtime, and rest periods. Article 77 of the Manpower Law stipulates two working hour schemes: (a) six working days per week with seven hours per day; or (b) five working days per week with eight hours per day, totaling 40 hours per week. Article 78 limits overtime to a maximum of three hours per day and 14 hours per week, whereas the *Perppu Cipta Kerja* extends this to four hours per day and 18 hours per week. Overtime may only be performed with the worker's consent and must be accompanied by appropriate compensation, including meals providing at least 1,400 kilocalories if overtime lasts four hours. Article 79 regulates rest periods between working hours, weekly rest, and a minimum of 12 days of annual leave. A significant change under the *Perppu Cipta Kerja* is the removal of the long rest provision from the Manpower Law, leaving its regulation to employment agreements, company regulations, or collective labor agreements <sup>(4,5)</sup>.

These changes raise concerns about their potential impact on workers' health. Longer overtime hours may increase the risk of physical fatigue and mental burnout. Burnout syndrome is a condition of chronic work-related stress characterized by decreased motivation, emotional exhaustion, and reduced work effectiveness. The National Transportation Safety Committee (KNKT) has stated that fatigue can reduce alertness and performance, often accompanied by drowsiness and irritability. Meanwhile, the World Health Organization (WHO) classifies burnout as a syndrome resulting from unmanaged workplace stress <sup>(6,7)</sup>.

A 2022 study by the American Psychological Association (APA) reported that three out of five workers experienced negative effects from work stress, including lack of motivation (26%), reduced effort at work (19%), cognitive fatigue (36%), emotional exhaustion (32%), and physical fatigue (44%), with a 38% increase since 2019. Such conditions not only harm workers' health but also reduce company productivity, increase the risk of workplace accidents, and disrupt industrial relations stability <sup>(8)</sup>.

Therefore, the regulation of working hours, overtime, and rest periods must consider a balance between productivity and worker health protection. Labor law norms should ensure legal certainty, fairness, and the protection of rights without hindering the business climate. A critical evaluation of the regulatory changes in the *Perppu Cipta Kerja* is essential to ensure that extended working hours do not compromise workers' welfare, aligning with the objectives of labor law to create harmonious, dynamic, and fair industrial relations <sup>(9)</sup>.

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## 2. Material and Methods

The research method used in this thesis is normative juridical (legal research), which focuses on examining the application of rules or norms in the prevailing positive law. The type of normative juridical research is carried out by studying various formal legal rules such as laws and regulations, as well as theoretical conceptual literature, which is then linked to the issues that form the core discussion of this thesis.

Two approaches are used in this study:

- **Conceptual Approach** – This approach is based on perspectives and doctrines that have developed in legal scholarship. By studying these perspectives and doctrines, the researcher can identify ideas that give rise to legal definitions, concepts, and principles relevant to the issues at hand.
- **Statutory Approach** – This approach is used to examine and analyze all laws and regulations related to the legal issues being addressed.

The analysis method used in this study is normative descriptive. Since the research does not use concepts measured or expressed in numbers or statistical formulas, the analysis of legal materials is carried out based on legal norms or rules (in the broad sense, including legal values, legal principles, legal rules in the narrow sense, and authoritative legal texts), legal concepts, or legal doctrines found in the theoretical framework or literature review, which are then applied to answer the research problems <sup>(10)</sup>.

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## 3. Result and Discussion

### 3.1. Legal Basis for the Implementation of Determining Working Hours and Rest Periods for Workers During Overtime on Public Holidays

In determining working hours and rest periods for workers during overtime on public holidays, a strong legal basis is required to ensure the protection of health and safety in the workplace. In addition to regulating the limitation of normal

working hours, legislation also regulates overtime work or working hours that exceed the normal limit. However, there are several requirements that must be met for overtime work to be implemented.

There are two types of leave regulated by the government, namely annual leave and long leave. Annual leave is the right of workers obtained after one year of work. Long leave is the right of workers obtained after working for a certain period of time.

The rights and obligations of workers are regulated in Articles 78 and 79 of the Manpower Law. Article 78 regulates overtime, which may only be carried out for a maximum of three (3) hours per day and fourteen (14) hours per week. Article 79 regulates workers' rest periods <sup>(1)</sup>.

In the Job Creation Government Regulation in Lieu of Law (*Perppu Cipta Kerja*), the government only regulates rest periods between working hours after four consecutive hours of work and weekly rest of about 1–2 days. This means that the government has extended overtime by one additional hour compared to the Manpower Law. In addition, the government regulates annual leave that must be provided by companies at a minimum of 12 days. Annual leave is at least 12 working days after the employee concerned has worked for 12 consecutive months; long leave is at least two months, implemented in the seventh and eighth years (one month each) for workers who have worked continuously for six years at the same company, with the condition that such workers are no longer entitled to annual leave in the two years concerned, and this applies for each multiple of six years of service. Paragraph (3) stipulates that the implementation of annual leave as referred to in paragraph (2)(c) is regulated in the employment agreement, company regulations, or collective labor agreement. Paragraph (4) states that long leave as referred to in paragraph (2)(d) only applies to workers in certain companies, and paragraph (5) states that these certain companies are determined by a Ministerial Decree <sup>(1,4,11)</sup>.

The provisions of Article 79 were later amended in the *Perppu Cipta Kerja* to state the following:

- Employers must provide rest time and leave.
- Rest time, as referred to in paragraph (1)(a), must at least include:
  - A break between working hours, at least half an hour after four consecutive hours of work, and such break is not included in working hours; and
  - One day of weekly rest for six working days in one week.
- Leave, as referred to in paragraph (1)(b), must include at least 12 working days of annual leave after the employee concerned has worked for 12 consecutive months.
- The implementation of annual leave as referred to in paragraph (3) is regulated in the employment agreement, company regulations, or collective labor agreement.
- In addition to the rest time and leave as referred to in paragraphs (1), (2), and (3), companies may provide long leave as regulated in the employment agreement, company regulations, or collective labor agreement <sup>(4,12)</sup>.

The government regulation on Working Hours and Rest Periods (PP Waktu Kerja dan Waktu Istirahat) was issued to implement the provisions of Articles 81 and 185(b) of the *Perppu Cipta Kerja*. It came into force on February 2, 2021, in response to globalization dynamics and the transformation of information technology, which have changed social and economic structures, impacting the world of work, labor, and the demands for productivity, competitiveness, and quality of human resources <sup>(11)</sup>.

To fill the legal gap left by the Job Creation Law, the President of the Republic of Indonesia, Joko Widodo, issued the *Perppu Cipta Kerja* on December 30, 2022, revising several provisions of the Job Creation Law. The issuance of this regulation was in response to the Constitutional Court decision declaring the Job Creation Law conditionally unconstitutional <sup>(4)</sup>.

The background to the establishment of the Job Creation Law and its derivative regulation on working hours and rest periods, as well as the *Perppu Cipta Kerja* by the government through the DPR, was to encourage and create a quality business and investment climate for business actors, including MSMEs and foreign investors, without giving sufficient consideration to worker health aspects when working hours are extended while rest periods are shortened <sup>(12,13)</sup>.

In applying the determination of working hours and rest periods for workers during overtime on public holidays, the author highlights Articles 77, 78, 79, and 84, which are presented in the following table.

**Table 1** Working Hours and Rest Periods for Workers During Overtime on Public Holidays

Article 77	<p>Paragraph (2) Working hours as referred to in paragraph (1) include:</p> <ul style="list-style-type: none"> <li>a. 7 (seven) hours per day and 40 (forty) hours per week for 6 (six) working days in 1 (one) week; or</li> <li>b. 8 (eight) hours per day and 40 (forty) hours per week for 5 (five) working days in 1 (one) week.</li> </ul> <p>Paragraph (3) The provisions on working hours as referred to in paragraph (2) do not apply to certain business sectors or types of work.</p> <p>Paragraph (4) The implementation of working hours for Workers/Laborers in a Company shall be regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement.</p>
Article 78	<p>Paragraph (1) Employers who employ Workers/Laborers beyond the working hours as referred to in Article 77 paragraph (2) must meet the following requirements:</p> <ul style="list-style-type: none"> <li>a. Obtain the consent of the Worker/Laborer concerned; and</li> <li>b. Overtime work may only be carried out for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week.</li> </ul>
Article 79	<p>Paragraph (1) Employers are obliged to provide:</p> <ul style="list-style-type: none"> <li>a. Rest periods; and</li> <li>b. Leave.</li> </ul> <p>Paragraph (2) Rest periods as referred to in paragraph (1) letter a must at least include:</p> <ul style="list-style-type: none"> <li>a. A break between working hours of at least half an hour after working for 4 (four) consecutive hours, and such break is not included in working hours; and</li> <li>b. One day of weekly rest for 6 (six) working days in 1 (one) week.</li> </ul> <p>Paragraph (3) Leave as referred to in paragraph (1) letter b, which must be given to Workers/Laborers, is annual leave of at least 12 (twelve) working days after the Worker/Laborer concerned has worked for 12 (twelve) consecutive months.</p> <p>Paragraph (4) The implementation of annual leave as referred to in paragraph (3) shall be regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement.</p> <p>Paragraph (5) In addition to the rest periods and leave as referred to in paragraphs (1), (2), and (3), certain companies may provide long leave, which shall be regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement.</p>
Article 84	<p>Every Worker/Laborer who exercises their right to rest periods as referred to in Article 79 paragraph (2) letter b, paragraph (3), paragraph (5), Article 80, and Article 82 is entitled to receive full wages.</p>

**3.2. Impact of Implementing the Determination of Working Hours and Rest Periods for Workers**

The purpose of regulating working hours and rest periods is to allow workers to maintain their health, gain opportunities for social development, and improve their economic conditions. Rest periods are intended for recovery after working for a certain amount of time. Essentially, granting rest and leave to workers aims to restore both physical, mental, and social well-being<sup>(7,14)</sup>.

In the health field, there is the term burnout syndrome, a set of signs and symptoms caused by prolonged mental fatigue. This condition can occur when a worker works beyond the normal working hours. Under the Manpower Law, overtime work is limited to a maximum of three (3) hours per day and fourteen (14) hours per week. Rest periods during overtime are determined in Article 79, including at least half an hour after four consecutive hours of work, which is not counted as working time, and one day of weekly rest for six working days in one week. A worker is entitled to a 30-minute rest after four hours of overtime<sup>(8,14)</sup>.

In contrast, under the *Perppu Cipta Kerja*, Article 78 paragraph (1) stipulates that employers who employ workers beyond the working hours as referred to in Article 77 paragraph (2) must have the worker's consent; overtime can only be carried out for a maximum of four (4) hours per day and 18 hours per week. The rest and leave provisions in Article 79 of the *Perppu Cipta Kerja* remove the provision in the Manpower Law regarding long leave. Previously, long leave was regulated with a minimum duration of two months. Now, it is subject to arrangements in employment agreements,

company regulations, or collective labor agreements for certain companies. Without clear regulations, workers risk excessive working hours and insufficient rest, which can harm both physical and mental health <sup>(15)</sup>.

Physically, the health impact can be in the form of fatigue — a decline that may include mental and physical aspects, leading to reduced alertness and performance, often accompanied by tiredness, drowsiness, and irritability. According to WHO, the mental impact of burnout is a syndrome resulting from unmanaged workplace stress <sup>(16)</sup>.

A study by the American Psychological Association (APA) in 2022 reported that three out of five employees experienced negative effects from work-related stress, including lack of interest, motivation, or energy (26%), and reduced effort at work (19%). Meanwhile, 36% reported cognitive fatigue, 32% emotional exhaustion, and 44% physical fatigue — with a 38% increase in fatigue since 2019 <sup>(8,12)</sup>.

APA data show that persistent workplace stress has contributed to reduced work effectiveness and increased fatigue. Michael P. Leiter, PhD, a professor of organizational psychology at Deakin University in Melbourne who studies burnout, stated that fatigue can lead to increased distrust <sup>(8)</sup>.

**Table 2** Differences Between the Manpower Law and the *Perppu Cipta Kerja*

Substance	Manpower Law	Job Creation Law
Minimum wage	Stipulated	Removed
Overtime	Shorter	Longer
Contract duration	Fixed term	Lifetime
Termination of employment	May be done after obtaining a decision from the industrial relations dispute resolution body	With the permission of the labor union
Rest period	Long rest period regulated in the Law	No regulation on long rest period, arrangement is left to the employment agreement, company regulations, or collective labor agreement
Foreign workers	Employers hiring foreign workers must have written permission	Employers hiring foreign workers must have a Foreign Worker Utilization Plan (RPTKA) approved by the central government

#### 4. Conclusion

From a legal basis perspective, the regulation of working hours, overtime, and rest periods for workers is governed by the Manpower Law and has been amended through the *Perppu Cipta Kerja*. The changes include extending the maximum overtime duration from three to four hours per day and from 14 to 18 hours per week, abolishing the long rest provision, and revising the annual leave requirement to a minimum of 12 working days.

From an implementation standpoint, the regulatory changes tend to benefit employers by increasing flexibility and cost efficiency. However, they also reduce the protection of workers' rights, particularly concerning occupational health and certainty of rest time.

From a health impact perspective, longer overtime hours and reduced guaranteed rest periods may increase the risk of fatigue and burnout, which in turn can negatively affect productivity, workplace safety, and the quality of industrial relations.

Normatively, policy evaluation is needed to ensure that working time and rest regulations align with the objectives of labor law, namely to protect workers, maintain a balance of interests, and foster harmonious, dynamic, and fair industrial relations.

## Compliance with ethical standards

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### *Disclosure of conflict of interest*

The author reports no conflicts of interest in this work.

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