Analysis of Government Policies in Treating Work Termination Due to COVID-19 Pandemic

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Abstract

Indonesia is one of the countries that has had a significant impact in various fields due to the Covid-19 pandemic. Therefore, the government issued a policy to tackle the chain of the spread of this virus with social distancing. However, this impacts the spread of work termination carried out by several companies because of experiencing losses in various sectors. This reason is controversial and is considered to deviate from Article 164 Verse (3) of Law Number 13 of 2003 concerning Manpower. This study aims to analyze government policies to tackle this extensive impact phenomenon. The research method used in this research is descriptive analysis with a deductive pattern. From this research, the results show that the government is seriously implementing policies to overcome the impact of work terminations with various strategic policies, namely the pre-employment program, the intensive provision of work termination victims through BP Jamsostek, and the procurement of debt securities (Recovery Bond). However, there are still shortcomings in various sectors.

Keywords: Policy, Pandemic, Work Termination.

A. INTRODUCTION

Corona-19 Disease (Covid 19) has spread to more than 122 countries, including Indonesia (Morens, 2020). Meanwhile, in Indonesia, Covid-19 has applied to 279 districts/cities spread across 34 provinces. In handling it, the government prefers a two-way policy path, namely its substantive policy (prevention), and focuses on economic improvement policies (Malik, 2020). The two policies implemented simultaneously cause their implementation to be less than optimal and inconsistent, leading to miscoordination between the central government and local governments. In the end, the two goals to be achieved, namely breaking the chain of the spread of the virus and improving the economy, could not be achieved. It tends to get worse.

This condition has not only disrupted the economy but has also interrupted economic movements. The crisis due to Covid-19 is currently co-occurring. The impact is greatly felt by vulnerable groups that are getting worse, including business groups that need mass crowds, groups of casual daily workers, street vendors, and...
workers affected by the work termination, farmers, the poor, etc. In this situation, it is understandable that the government does not dare to take lockdown steps because the risk leads to an economic disaster, which automatically has implications for other social impacts (Lakhsmi, 2020).

The simple picture is that the cycle of economic activity in the community has decreased drastically, so the government must take strategic policies that are accelerated in dealing with the financial difficulties that befall the community. If the government is slow in making strategic decisions, then the vulnerability to social disasters, including horizontal conflicts, will quickly occur. Therefore, this phenomenon is significant to empirically study strategic policies in dealing with economic externalities during this pandemic, especially for vulnerable groups (Susilawati, 2020).

When the Covid-19 virus pandemic hits the world, countries affected by the pandemic try to cope and break the chain of spreading this virus. Thus, the Indonesian government issued a policy regulated in PP. 21 of 2020 concerning Social Distancing, but this is a dilemma in itself because it has an impact on layoffs that occur everywhere and the unemployment rate increases sharply due to this (Lusianingrum, 2020). Number of jobless figures in Indonesia has increased to 29.12 million in the workforce. The steps taken by these companies concerned are in line with Articles 164 and 165 of Law No. 13 of 2003 concerning Manpower, which more or less states that a company has the right to terminate employment relations with workers if a company experiences a loss. The important thing that is a requirement for employment termination is that a company has suffered a loss for 2 years, while the current Covid-19 pandemic has not yet reached this level (Kurnianingsih, 2020).

Some data on social, economic, educational, and health problems arising from this pandemic, namely:

a. Economic Problems, Minister of Finance Sri Mulyani revealed that there are at least 3 economic cases in the country, such as:

1) Due to restrictions on interaction and physical contact in the MSME and informal sectors, economic activity decreases.
2) Investments are weakened due to uncertainty, both for those who are going to invest and those who are currently supporting.
3) The export sector took a hit because the whole world experienced a weakening. This was reflected in the decline in commodity prices from oil, coal to Crude Palm Oil (CPO).

b. Social problems, there is social dysfunction in the community due to COVID-19. An example is the public's attitude, who are more prone to feeling suspicious because they think that other people carry COVID-19 in their bodies, like the people in Sawangan Depok, who refused to bury their dead bodies due to Covid-19. They believe that COVID-19 will continue to spread, even if the body
is buried. Even though medically, the bodies that have been processed at the hospital will certainly not cause the spread of the virus again.

c. Educational Issues, the Mayor of Bogor (Bima Arya) told the Minister of Education and Culture (Nadiem Makarim) in July 2020 that quota and internet access, online learning curriculum issues, and education fee payment schemes are the main problems (Giatman, 2020).

A company has the responsibility and obligation to ensure workers’ health, safety, wages, and fair treatment. With this statement, it is a logical consequence that a company must protect and ensure the needs of workers/laborers following the mandate of the constitution Article 27 Verse 2 of the 1945 Constitution of the Republic of Indonesia states that every citizen has the right to a decent job and livelihood (Sudarsana, 2020).

The losses caused by the company have not reached two years, so the company cannot simply terminate the working relationship (Putri, 2020). There need to be other efforts provided by companies or the government to overcome the impact of Covid-19 on workers who are in work termination to reduce unemployment and help the government grow the economy again in various sectors (Nadaek, 2020).

This is where the government’s role is many workers affected by the pandemic awaits very central and important, careful and targeted steps. Therefore, the government’s policy to deal with the fate of workers and companies affected by work termination during the Covid-19 pandemic is the author’s focal point to discuss and analyze more comprehensively.

B. METHOD

The research method used in this research is descriptive analysis with a deductive pattern. The method used in this research is library research. Data is taken from various scientific writing sources such as books, journals, online media reports, and official government websites.

C. RESULT AND DISCUSSION

1. Pre-Employment Program

This program is the government’s flagship program because it is open to employees and entrepreneurs, in addition to the work termination victims. Registered participants will receive cash assistance of IDR 3,550,000 for training costs and incentives. Several training options can be taken according to the interests of participants who register for Pre-Work 2020. The purpose of this training is to provide skills that can be used for industrial and entrepreneurial needs. Various digital platforms also accompany pre-work processes and services such as
Tokopedia, Bukalapak, Skill Academy, Ministry of Manpower, Pintaria, Pijar, and Sekolah mu, and MauBelajarApa (Wijayanti, 2020).

The Pre-Employment Card program’s presence is a strategic step from the Indonesian government, which is motivated by the deep concern for the community regarding the economy. All activities are hampered, and productivity and income decline. Data on tax revenues support this under pressure due to weakening industrial trends and international trade and economic activity. At the end of March 2020, both the government and business sectors experienced a business slowdown in line with the regulations regarding WFH (Work From Home). Indonesia experienced a decrease in tax revenue in the first quarter of 2020, which was recorded to have experienced a minus of around 2.5%, and it automatically affected the 2020 APBN figures. Some of the minus tax instruments after being used for handling Covid-19 are Corporate Income Tax and Tax for Imports. (PDRI) consists of several types, namely Income Tax (PPh) article 22 on imports, PPh Article 22 on exports, Value Added Tax (PPN) on imports, and Sales Tax on Luxury Goods (Silalahi & Ginting, 2020). Both empowerment and welfare are fundamental agendas that should be the responsibility of the government in Indonesia. The level of effectiveness of the Prakerja card program also has relevance to the discourse of community empowerment, and the rest depends on the way the government manages the program (Hamzah, 2020).

Through Perppu No. 01 of 2020, the pre-employment program is planned to reach the target of 5.6 million people (specifically) affected by the COVID-19 pandemic. The community has the right to 900 types of online training according to their respective talents and interests and financial assistance for other purposes. In the registration mechanism, the Indonesian government does not differentiate between individuals. All have the same opportunity, as long as Indonesian citizens, aged 18 years and not currently, are welcome to register online. Furthermore, if the applicants have passed the file selection, the next stage is to continue by taking the motivation and necessary ability tests. After participating in the training, participants who qualify will get a certificate. Besides, to take coaching money, participants must first take a form of exercise which is hoped to be used for further development (Saidah, 2019).

The community has responded to the pre-employment card program’s realization so far because they repeatedly registered but were unsuccessful. The selection was even up to the 7th batch. However, the pre-employment management provides access to complaints if participants have not passed within three consecutive times by downloading the attached statement letter, then filling it out and sending it back. It is said that a quota of 1.8 million is still provided. Therefore the pre-employment management tries to provide opportunities and support to registrants. The government’s courage to realize the Pre-Employment Card program is a form of real ideas and ideas because the government has carried out careful planning and
discussion about the Pre-Employment Card program simulation before it is officially applied. Besides, it is possible if the government also has many strategic considerations from various fields. Rational thinking is more about efforts to empower the community through online training. The expected output is that the quality of HR (Human Resources) increases, then, in the end, it can become long-term capital for people's lives (Consuelo, 2020).

The Pre-Work Card Program proves that the government’s position is to support and encourage people to be capable and empowered. Empowerment (employment) is defined as "an effort to maximize self-potential that was previously owned by the community." Indirectly, the meaning of appointment itself is a term that contains elements of "participation" from the internal community itself. Besides, the effectiveness of the Pre-Employment Card program can also be measured by several factors, namely: 1) The poor or the weak become empowered; 2) Having knowledge and ability to fulfill physical, economic, and social needs; 3) Able to convey aspirations; 4) Have or generate livelihoods; 5) Participate in group activities (training, courses, meetings); and 6) Independent in life. These various elements have strong relevance (Sajou, 2020). The development of the potential in the community is trying to be absorbed, then directed according to their respective potential. This program is part of a long-term prospect with great potential for economic development by providing the broadest possible access for participants to pursue new things, knowledge, and skills. The government has regulated several categories of people who cannot participate in registering for the Pre-Employment Card program. As quoted from the official website (Prakerja, 2020), several types are: 1) State Officials; 2) Leaders and Members of DPRD; 3) State Civil Apparatus; 4) TNI; 5) Police; 6) Village Heads and Apparatus; dam 6) Directors, Commissioners, and Supervisory Board at BUMN or BUMD.

The plans that have been realized by the government through the Pre-Work Program are indeed inseparable from all the shortcomings that require the government to re-initiate plans that were previously carried out. Another very likely problem is the unfair competition between registrants, where the nature of the competition is open and free of access without tracking economic background. Meanwhile, they do not think about the fate of other people (empathy) who, for example, are needier, economically weak, or are unemployed. The main focus that must be clearly established is utilizing making data on people who have no ability and are weak in terms of income. Gradually, their pattern of life will improve. An even more significant impact is as stimulation to restore the balance of Indonesia's shaky economy due to Covid-19 by reviving existing economic activities in small communities.

The high enthusiasm of the community also adds to the problem variable, as explained by the Director of KMPP Prakerja, who revealed that if the number that participates (registers) is greater than the slot (quota), then the Pre-Employment
Card management will have no other choice for how to prioritize the admission of participants every week. His. In the first batch of pre-employment cards, the government stated that the determination of qualifying participants was determined by the system randomly through data-based tracking and verification (small MSME actors, or people affected by COVID-19) from the relevant Ministries/institutions. Each wave, the available quota is only 200,000, while the number of participants who have been verified by the system has touched the millions. Head of the INDEF Center of Food, Energy, and Sustainable Development Abra Talattov assessed that the Pre-Work Card program's implementation in the midst of the current Covid-19 outbreak situation tends to be too forced. This is because the program's focus is to provide training to improve skills (upskilling/reskilling). All economic activity is now in a state of decline; all industrial sectors are holding back the pace of operations so that it is impossible to conduct training or absorb training participants this, of course, can be called a barrier to empowerment because, during the delay, it was unknown how the registrant community's activities had not passed the selection. Another possibility is related to the fate of the impossible applicants to all pass (due to the entrance test system). So it is ambiguous if, on the other hand, the government wants a flow of empowerment during the COVID-19 pandemic. Still, the procedures and systems that have been implemented are also not able to keep up with the community's pressing needs. However, the Pre-Work Card's relevance should continue to be reviewed and evaluated so that the obstacles to empowerment that occur in the field can slope.

2. Incentives for victims of WORK TERMINATION through BP Jamsostek

The government is still looking for strategies and incentive schemes for workers who are victims of WORK TERMINATION. It is planned that every worker who is the victim of work termination will be given an incentive of Rp. 1 million to Rp. 5 million for three months. Quoted from Kontan, Minister of Finance Sri Mulyani Indrawati confirmed that victims of work termination due to the corona impact would receive assistance in the form of compensation and training. The payment provided by BPJamsostek is different from the Pre-Work Card program. On another occasion, Minister of Finance Sri Mulyani said that this policy is a form of strengthening the social safety net, which focuses on budget allocations during the current Covid-19 pandemic. The government will provide additional incentives for workers who are victims of employment termination (work termination). They will get extra cash benefits for six months. This addition will later be included in the list of advantages of the BP Jamsostek program. Coordinating Minister for the Economy, Airlangga Hartarto, said the number of funds was still in the review stage. The next step, determining the number of cash benefits, will be contained in the revision of the National Social Security System (SJS), which has been prepared with a 6-month payment scheme regarding the total amount of training and job placement.
The criteria for beneficiaries are stated in the Minister of Manpower Regulation Number 14 of 2020 that BP Jamsostek will send an SMS containing a link for registration access and registering a bank account number. The link is personal; each person will get a different link and can only be accessed by SMS recipients registered as BPJS Employment participants. The participants who received the SMS were those who, on June 30, 2020, was still registered as active BPJS participants on the condition that they submitted an active bank account number. Even though the concept of the formulation uses western thoughts whose conceptual emphasis is on protecting human rights. Thus, in simple terms, the idea of legal protection for workers in Indonesia still rests on protecting workers’ dignity, along with their human rights, both individually and as "workers" (Handaru, 2012).

Experts judge the government’s move to be following the law on labor. By law, protecting workers includes two essential things: protection from employers' power and protection from government action. Legal defense from the power of the employer/employer is carried out if all parties implement the laws and regulations in the labor sector which require or force the employer to act as in the law because the validity of the law cannot be measured juridically, but sociologically and philosophical (Silaban, 2009).

Protection of workers is expressly regulated based on Article 5 of Law Number 13 Year 2003 concerning Manpower, which states that every worker has the right and has the same opportunity to obtain a decent job and livelihood regardless of gender, ethnicity, race, religion and political orientation accordingly. With the interests and abilities of the workforce concerned, including equal treatment of persons with disabilities. Furthermore, Article 6 requires employers to grant workers/labor rights and obligations regardless of gender, ethnicity, race, religion, skin color, and politics (Arwinda, 2015). Apart from that, other rights which are also regulated under the Manpower Law are contained in the following articles: (1) Article 11, contains the right to acquire and develop competence; (2) Article 12 Verse (3), contains the right to participate in (get) training; (4) Article 88, states the right to choose the type of work and earn income, both at home and abroad; (5) Article 86 Verse (1), states the right to occupational health and safety; (6) Article 99 Verse (1), contains the rights of workers and their families to obtain workers social security (Jamsostek); and (7) Article 104 Verse (1), the right for workers to be involved (form or become members) in a workers/labor union.

Overall, worker/laborer protection is a norm of public law that aims to regulate labor conditions in companies that affect and threaten occupational health security and worker/worker welfare in carrying out work. The said regulation scope covers two aspects, namely covering material aspects (protecting job security and physical care) and immature factors (surrounding working time and increasing the biological and physical development of workers). The provision of legal protection for workers is
classified into three types of protection: financial security, social protection, and technical protection.

First, Economic Protection. Economic Protection is sometimes referred to as Social Security, protecting workers/laborers related to their income. This protection includes efforts made to provide sufficient income for the living needs of workers and their families. Including worker protection when working against his will. As it is known, that economically, an entrepreneur's status is above the worker, especially if it is pulled into the scope of the company; what happens is the status of a superior and a subordinate. Therefore, this relationship tends to place workers as objects. In Rajagukguk20 terms, workers are considered external factors are having the same position as supplier customers or buyer customers and not internal factors as an inseparable part. Thus, what may happen is the determination of wages based on the company’s wishes by neglecting the fulfillment of workers’ rights to live appropriately.

Meanwhile, obligations of the State to provide socio-economic protection to the community, including workers, is manifested in the implementation of a social security program. The performance of this social security is carried out by PT Jamsostek, which covers not only financial protection but also social / health protection. In essence, the workforce social security program aims to provide certainty for the flow of family income partially lost. Also, the workforce social security program has several aspects, including (1) Providing basic protection to meet the minimum living needs for workers and their families; and (2) It is an appreciation for the workforce who educates workers’ independence so that workers do not have to ask for the mercy of others if in a working relationship there are risks such as work accidents, illness, old age, and others.

Based on Law no. 24 of 2011 concerning the Social Security Administration (BPJS), which consists of BPJS Kesehatan and BPJS Employment. Article 62 Verse (1) stipulates that PT Jamsostek changes to BPJS Employment and starts operating (at the latest). The programs organized by BPJS Employment include guarantees related to the manpower sector, namely: (1) Work accident security; (2) old age security; (3) Pension security; and (3) death insurance. Based on this explanation, it can be concluded that social security for workers is protection for workers in the form of compensation in the form of money (work accident, death, and old age savings), and health services, and health care insurance.

Second, Social Protection or Occupational Health. This element states that every worker/laborer has the right to obtain protection for occupational safety and health, morals, and morals, as well as treatment, which is following human dignity and religious values. Occupational health can be defined as every effort and effort or regulation that aims to protect workers from actions and conditions that can interfere with physical, psychological health and (violate the norms of) morality in a working relationship. Occupational Health is intended as protection for workers in
the form of occupational health insurance, freedom of association, and security of the right to organize. Occupational health as stated above is a type of social security because the provisions regarding occupational health are related to social society, namely, rules that aim to impose restrictions on the power of entrepreneurs to treat workers/laborers without paying attention to the prevailing norms by not seeing workers/laborers as God’s creatures who have human rights (Jehani, 2006).

Health care insurance is a guarantee as an effort to overcome and prevent health problems that require examination, treatment, and care, including pregnancy and childbirth. Health maintenance is also intended to increase the workforce’s productivity so that they can carry out their duties as well as possible and constitute a health effort in the field of healing. Occupational health aims to protect or protect workers/laborers from incidents/conditions of work relations that are detrimental to their health and mortality in workers/laborers doing their job. The emphasis on "in an employment relationship" indicates that all workers who do not have an employment relationship with employers do not receive social protection as stipulated in Chapter X Law No.13 / 2003. Thus, the objectives of occupational safety and health regulations are: (1) Protect workers from the risk of work accidents; (2) Increasing the health status of workers/laborers; (3) So that workers/laborers and people around them are guaranteed safety; and (4) Ensuring that production sources are maintained and used safely and efficiently (Putra, 2014).

3. Recovery Bond

Minister of Finance Sri Mulyani Indrawati explained that one of the government's efforts is the issuance of special debt securities to provide financing to MSME business actors. This is because this industry is one of the sectors most affected by the pandemic. Apart from the KUR, the government will issue bonds that will be provided or directed to existing MSME customers, KPR, or motorcycle loans who are experiencing difficulties. The state bonds for MSMEs will later function to increase the liquidity of business actors. The hope is that employers can continue to pay their employees, and there will be no work termination in that sector. The government can also provide liquidity or walking capital to customers who experience difficulties in routine financing needs, especially salary payments, to prevent work termination (Oveissi, 2020).

Secretary of the Coordinating Ministry for Economic Affairs, Susiwijono Moegiarso, stated that the new debt securities also aim to ensure that each company has sufficient funds to pay its employees so that there is no termination of employment. There have been several policies rolled out (Olivia, 2020). First, to reduce work termination, we want to maintain the company, business players need cash flow, maintain financial liquidity. For this reason, the government will issue a new debt bond, called a recovery bond. Several conditions must be met for companies who want to get special credit. Such companies may not do work termination. If a company has to do a work termination, it must retain 90% of its employees without
reducing their income. The funds from the sale of debt securities are held by the government and then distributed throughout the business world, in particular, loans to revive the business world. Also, these government-issued debt securities are in rupiah. Where those who will buy these bonds are Bank Indonesia (BI) or a private sector capable of exporting (Yudhatama, 2012), then the government must issue a Government Regulation instead of a Law (Perppu) so that BI can buy it (Supriyantono, 2020).

Dari uraian langkah pemerintah di atas, dapat disimpulkan bahwa pemerintah secara serius berusaha untuk menanggulangi work termination yang dialami pekerja diberbagai perusahaan, walaupun masih terdapat kekurangan dan tinjauan ulang perlu dilakukan (Murti, 2020). Uraian tersebut dapat disederhanakan melalui tinjauan alokasi, distribusi serta stabilisasi dari tiga langkah penanganan korban work termination di masa pandemi, seperti yang tersaji dalam tabel berikut ini:

**Table 1. Three Strategic Policies to Address Economic Externalities from Covid-19**

| Policy     | Description                                                                                                                                 |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Allocation | Budget reallocation to state projects that can still be postponed, cutting salaries of officials with a scheme of reducing points outside of the basic salary that can be used as bailout funds for the response to covid, particularly the government subsidy budget for the basic needs of the community. |
| Distribution| The policy strategy can be carried out through a cash assistance distribution scheme and staple goods (sembako) per month with a minimum of 1.2 million if one victim of work termination supports two family members and provides stimulation to MSMEs. In addition, subsidies in specific domains are also provided to the community so that the government, the target group community, and MSMEs need each other. The State is present to stimulate both of them. So the people's purchasing power is supported by the distribution of inputs carried out by the government amid this pandemic. Online training is not practical during a pandemic. |
| Stabilization| Maintain food security by increasing essential food assistance, a minimum of Rp. 100-200 trillion to provide food assistance until the end of the year. Besides, at the macro level, the government can implement a policy of lowering BI's benchmark interest rate by 25-50 basis points to help ease the burden on small business actors, and the government can even provide interest subsidies. |

**D. CONCLUSION**

This orientation towards economic flexibility amid the Covid-19 pandemic can be done when the government systematically and consistently implements...
three strategic policy concepts, namely the Pre-Work Program, Intensive Provision of victims of work termination through BP Jamsostek, and Procurement of Forest Certificates (Recovery Bond), which can be reviewed from allocation policies, distribution policy, and stabilization policy. The three policies must be supported by concrete formulations and strategies that are following the empirical conditions. Online training will not solve the economic problems faced by people amid this pandemic. This step has been excellent but still needs review and improvement in various sectors.

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