

LEGAL PROTECTION OF WORKERS' HEALTH AGAINST SHIFT JUMPING PRACTICES: A COMPARATIVE STUDY OF INDONESIA AND TURKEY

Shafa Nadia Dilla Ananda¹, Ahmad Nailul Author²
Faculty of Law, Universitas Negeri Surabaya, Indonesia
shafa.22159@mhs.unesa.ac.id

Abstract

This study examines legal protection for the implementation of shift jumping working hours and its impact on workers' health, using a comparative study between Indonesia and Turkey. It aims to analyze the legal arrangements governing shift work systems in both countries and formulate an ideal legal framework to provide occupational safety and health protection for workers. The method used is normative legal research with statutory, conceptual, and comparative approaches. The legal materials were analyzed prescriptively to answer the research questions. The results show that Indonesia's shift work regulations are still general in nature and do not specifically regulate the phenomenon of shift jumping, creating a legal vacuum and uncertainty. Meanwhile, Turkey's regulations are considered more comprehensive because they provide clearer limits on working hours, rest periods, and worker health protection within shift work systems. The comparison indicates that shift jumping can cause work fatigue, disruption of biological rhythms, deterioration of health conditions, and increased risk of workplace accidents. Therefore, Indonesia needs to reform its legal regulations by explicitly governing shift work mechanisms, including shift rotation, rest intervals between shifts, and worker health protection, in order to ensure legal certainty and more optimal protection.

Keywords : Shift Work System, Shift Jumping Working Hours, Circadian Rhythm, Legal Protection

INTRODUCTION

The development of modern industry has shifted work patterns toward a shift work system, which is a work system where employees work in several periods divided within a 24-hour day (Akbar & Irawati, 2023). The objective of implementing a shift work system is to enhance company operational efficiency, enabling businesses to operate continuously for 24 hours without interrupting operational activities (Sriwijaya et al., 2026). This system is divided into two types. First, fixed shifts, a condition where employees consistently work on the same schedule every day. Second, rotating shifts, a system where employees change work schedules within a certain period (Harrington, 2001). The implementation of rotating shifts would not pose a problem if it were based on clear and detailed regulations regarding shift work system provisions. However, Indonesia currently lacks such regulations. Consequently, in field practice, rotating shifts are carried out irregularly.

In Indonesia, regulations concerning shift work system provisions still rely on general working time and rest period regulations. As stated in Article 77 paragraph (2) of the Job Creation Law (Undang-Undang Cipta Kerja), which outlines the general provisions of working hours, the maximum weekly working limit for workers/laborers is 40 hours. Meanwhile, daily working hours are divided into two schemes. Scheme 1, for a 6-day work week, allows a maximum of 7 working hours per day. Scheme 2, for a 5-day work week, allows a maximum of 8 working hours per day. Furthermore,

Article 79 of the Job Creation Law regarding rest period provisions stipulates that mandatory rest time includes an intermission between working hours of at least half an hour after 4 consecutive hours of work, as well as 1 day of weekly rest for a 6-day work week system. These two provisions indicate a legal vacuum regarding the regulation of shift work systems, including shift rotation periods and the minimum rest period for workers transitioning between shifts. This regulatory gap ultimately triggers the practice of shift jumping in Indonesia. Legally, employers are not deemed to violate labor regulations as long as the generally regulated working hours and rest times are met, whereas, in practice, workers must undergo shift changes without adequate rest time. This condition demonstrates that current legal regulations have not been able to provide optimal protection against workers' health risks during the execution of shift-jumping working hours.

The practice of shift jumping impacts the fatigue levels of workers and influences the body's biological balance (Saraswati & Paskarini, 2018). The body's biological clock or circadian rhythm is a natural 24-hour cycle that regulates various physiological functions, such as sleep-wake patterns, metabolic processes, and hormone production, which are influenced by light exposure (Chalik, 2016). This rhythm is controlled by a part of the brain called the SCN (suprachiasmatic nucleus), which functions to adjust body conditions to the surrounding environment (Ma & Morisson, 2023). Irregular work schedules, especially in unpredictable shift work systems, can disrupt sleep patterns, making the circadian rhythm unstable. This condition ultimately has the potential to cause various health disorders for workers, ranging from insomnia to depression. These impacts are evident in empirical findings within the workplace. Company X illustrates a real-world scenario where workers experience mental fatigue, difficulty concentrating, and burnout due to erratic work rhythms. Based on data analysis, it was found that a daily-changing shift rotation system forced workers at Company X to constantly readjust their sleep, meal times, and leisure hours. This led to instability in daily routines and triggered stress due to a lack of time for rest and socialization (Zahra et al., 2025). In another case, Kentucky Fried Chicken (KFC) serves as an example of a company operating in the fast-food industry. Generally, KFC operates up to 24 hours, so to maintain continuous operations, KFC implements a shift work system. This study focuses on KFC MT Haryono Balikpapan, where it was found that there are only two types of work shifts: the Morning Shift and the Night Shift. Consequently, the duration of working hours reaches 12 hours per day. Data analysis proved that 57.6% of the total 33 workers experienced high levels of fatigue, concluding that more than half of the workforce was in a state of serious fatigue (Darmawan et al., 2025).

These two case examples demonstrate that oversight regarding the implementation of shift work systems, particularly shift jumping in Indonesia, remains weak, ultimately giving rise to labor issues that impact worker safety and health. To address these problems, it is necessary to strengthen legal regulations and enhance the effectiveness of labor inspection in the implementation of shift work systems to guarantee the protection of workers' rights. The author attempts to compare the legal regulations applicable in Indonesia with those in Turkey. Turkey possesses a legal system and economic characteristics relatively similar to Indonesia (ILO, 2022). A comparison of legal frameworks between Indonesia and Turkey reveals differences in both legal certainty and the completeness of statutory provisions that provide protection for workers involved in shift work systems, specifically shift jumping (Azhar, 2018).

Turkey's legal framework, through Turkish Labor Law No. 4857, demonstrates more comprehensive regulations regarding night work and shift work mechanisms. Article 69 of Turkish Labor Law No. 4857 explicitly limits night working hours, regulates weekly/daily work durations, and establishes provisions regarding work rotation and rest periods between shifts. Article 69 paragraph (7) of Turkish Labor Law No. 4857 emphasizes that workers must not be assigned to work continuously on night shifts, and employers are required to rotate shifts weekly or at a maximum of every two weeks. Furthermore, Article 69 paragraph (8) of Labor Law No. 4857 stipulates that during the shift rotation process, workers must be given a minimum rest period of 11 (eleven) hours before starting their shift the following day. This must be implemented by employers under the supervision of labor authorities, thereby normatively providing a clearer foundation for efforts to prevent fatigue resulting from shift jumping.

This situation demonstrates that Indonesian labor regulations still suffer from a legal vacuum regarding detailed rules on the implementation of shift work systems. Although statutory regulations

have governed general limits on working hours and rest periods, there are no provisions explicitly regulating night work duration, shift rotation frequency, or the minimum rest interval between shifts adequate to protect worker health. This legal lacuna results in weak protection of workers' rights to occupational safety and health.

Based on this background, the author formulates two research questions: 1. How do legal regulations in Indonesia compare with legal regulations in Turkey regarding shift work provisions for workers or laborers?; 2. What is the urgency of establishing legal regulations regarding shift work provisions for workers in Indonesia to guarantee worker health?

METHODS

This study employs a normative legal research method, motivated by the legal vacuum regarding the regulation of the shift work system in Indonesia. The approaches utilized in this research include the statute approach, the conceptual approach, and the comparative approach. The technique for collecting legal materials is a literature study, conducted by searching and identifying various legal sources relevant to the research problem. This study analyzes legal materials prescriptively, meaning that the analysis of the issue does not merely describe existing legal regulations, but also offers prescriptions for new legal regulations that have yet to be implemented.

RESULTS AND DISCUSSION

1. Comparison of Legal Regulations Regarding Shift Work Systems in Indonesia and Turkey **a. Legal Regulations in Indonesia Concerning the Shift Work System**

As a country with a civil law system, Indonesia has arrangement characteristics based on written legislation (Asshiddiqie, 2014). In this system, law is positioned as a systematically codified norm and serves as the primary basis for regulating various fields, particularly the field of employment, including the employment relationship. Therefore, the existence of explicit norms is very important to guarantee legal certainty in its implementation, while also providing clear limits regarding the rights and obligations of the parties. In Indonesia's labor law system, the term shift work is not explicitly regulated as a separate concept in the legislation.

The practice of shift work is part of the arrangement of working time regulated in labor law in Indonesia. In the view of labor law in Indonesia, working time is understood as the period in which a worker carries out duties and responsibilities under the orders of the employer that has productive value, and serves as the basis for regulating normative rights such as wages, overtime, and rest time (Kusumawati, 2024). Therefore, the regulation of working time is not only related to the technical arrangement of work implementation, but is also a form of legal protection to maintain a balance between the company's productivity interests and the protection of workers' health.

Regulations regarding normal working time in Indonesia can be found in Article 77 paragraph (2) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which reads "Working time as referred to in paragraph (1) includes: a. 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; or b. 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week". This paragraph explains that there are two permitted standard working time schemes, namely a 6-day working system with a duration of 7 hours per day and a 5-day working system with a duration of 8 hours per day, both of which lead to a maximum limit of 40 hours in one week. This standard shows an effort to normatively limit working duration in order to protect workers from excessive workloads. The substance of this arrangement tends to focus on limiting working hours in general, without specifically regulating the division of time within the shift work system. The absence of clear limits in the division of shift work time creates a legal loophole for employers to exploit their workers through the implementation of shift jumping practices for operational interests.

The provisions regarding working time limits that have been set in a limitative manner often clash with the reality in the field, where employers require operational

flexibility beyond the normal standard, more often referred to as overtime. According to Sumarningsih, the definition of overtime working hours is working hours exceeding 40 hours per week that occur consecutively (Setiawan, 2023). This definition of overtime shows that any work performed beyond the normal working time limit is essentially categorized as overtime work and must be carried out in accordance with statutory provisions.

The provisions regarding the implementation of overtime work are further regulated in Article 78 paragraph (1) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which reads “Employers who employ Workers/Laborers beyond the working time referred to in Article 77 paragraph (2) must fulfill the requirements: a. There is the consent of the Worker/Laborer concerned; and 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”. This paragraph affirms that employers who employ workers beyond normal working time must fulfill the requirements of worker consent and the maximum overtime limit, namely 4 hours in one day and 18 hours in one week. Further arrangements regarding the implementation of overtime work and the payment of overtime wages are regulated in government regulations as more detailed and technical implementing provisions.

The working time that has been regulated, along with its overtime provisions, needs to be balanced with adequate rest time arrangements. Rest time is time used for recovery after carrying out work, with the aim of ensuring that workers have the opportunity to restore their physical and mental condition after carrying out their work (Cakrawala, 2021). Therefore, the regulation of rest time is an important part of maintaining the health and safety of workers so that they avoid fatigue and health problems due to excessive workloads.

The regulation of rest time is stipulated in Article 79 paragraph (2) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which reads “Rest time as referred to in paragraph (1) letter a must be given to Workers/Laborers, including at least: a. rest between working hours, at least half an hour after working continuously for 4 (four) hours, and this rest time is not included in working hours; and b. weekly rest of 1 (one) day for 6 (six) working days in 1 (one) week”. This paragraph explains that the rest time that must be given includes rest between working hours of at least half an hour after working continuously for 4 hours, as well as a weekly rest of 1 day for a 6-day working week system. In addition, certain companies may provide extended leave, the provisions of which are further regulated in government regulations as an additional, specific form of arrangement.

The regulation of working time, overtime, as well as rest time and leave as stipulated in Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law shows that Indonesian labor law has provided basic protection for workers through the regulation of working time limits, rest time, and leave rights. These arrangements essentially serve as a general guideline for the implementation of employment relations, including in the shift work system. However, the existing provisions are still general in nature and have not regulated in detail the mechanism for implementing the shift work system, particularly regarding the regulation of shift rotation and rest intervals between shifts. This condition indicates a legal vacuum in the regulation of the shift work system in Indonesia.

The vacuum in the regulation of the mechanism for implementing the shift work system also has the potential to give rise to disproportionate work practices in the field. This problem can be seen in companies or businesses that operate 24 hours a day but only implement two shift work divisions, so that workers’ working duration becomes longer and their rest time becomes limited. One illustration of this practice can be seen at Kentucky Fried Chicken (KFC), which operates 24 hours a day and implements a shift work system to maintain operational continuity. Research at KFC MT Haryono Balikpapan shows that there are only two types of shifts, namely the morning shift and the night shift, with a working

duration of up to 12 hours per day. The results of the data analysis show that 57.6% of the 33 workers experienced a high level of fatigue, meaning more than half of the workers are in a condition of serious fatigue. Based on this data, it can be seen that the high level of worker fatigue is influenced by the long duration of working hours and the limited rest time to restore workers' physical and mental condition (Darmawan et al., 2025). This condition shows that the implementation of a shift work system that is not balanced with proportional arrangements has the potential to cause health problems for workers. This problem shows the importance of legal regulation and protection against the practice of shift jumping to prevent excessive rotation and to protect workers' rights to occupational health and safety.

b. Legal Regulations in Turkey Concerning the Shift Work System

Turkey is a country that adheres to a civil law system, as does Indonesia, in which legal arrangements depend on written legislation. Institutionally, legislative authority in Turkey is held by the Türkiye Büyük Millet Meclisi (TBMM), known in English as the Grand National Assembly of Turkey (GNAT), which functionally holds a position similar to the House of Representatives (DPR) in Indonesia in carrying out legislative functions (Ansary & Wallace, 2011), including in formulating protection standards for shift workers. Discussions regarding the protection of workers' health are conducted in depth at the committee level in the Turkish parliament, namely the Sağlık, Aile, Çalışma ve Sosyal İşler Komisyonu, known in English as the Health, Family, Employment and Social Affairs Commission. This commission is one of the specialist committees within the TBMM that plays a role in discussing laws related to health, family, employment, and social affairs, such as the Turkish Labour Law No. 4857.

The urgency of the role of this legislative body cannot be separated from the fact that the current labor conditions in Turkey are at a phase of significant structural transition, moving from the traditional agrarian sector toward the dominance of the digitalized manufacturing and service sectors. This transformation creates new work patterns that demand high flexibility, one of which is through the massive implementation of the shift work system in industrial centers (Toksoz, 2009). This phenomenon has an impact felt by both workers and employers. For workers, industrial development and the modernization of the work system have the potential to increase job vulnerability and the risk of health problems due to unpredictable work patterns. Meanwhile, employers in Turkey are required to maintain industrial competitiveness while also adjusting labor needs to the increasingly dynamic development of the labor market (Toksoz, 2009). Under these conditions, the existence of legal arrangements is important to balance the interests between company productivity and the protection of workers' rights.

Turkey uses the Turkish Labour Law No. 4857 as the main legal basis in the field of employment. The existence of this regulation provides a stronger legal basis for regulating employment relations, particularly in facing the development of modern work patterns. The arrangements in the Turkish Labour Law No. 4857 were compiled by adopting European Union labor standards, thereby containing a more comprehensive protection mechanism for the parties in an employment relationship (Limoncuoglu & Tasoglu, 2010). This regulation expressly regulates the limitation of night working hours, the minimum duration of shift rotation, and the provisions on rest time between shifts to maintain workers' occupational safety and health. This detailed regulation shows that the implementation of the shift work system in Turkey is not only oriented toward industrial productivity, but also takes into account humanitarian aspects and the physical capacity of workers. From the employer's side, clear provisions regarding the mechanism for implementing work provide legal certainty regarding the company's administrative and operational obligations. This regulatory clarity plays an important role in minimizing the potential for industrial relations disputes that may arise due to unclear norms in the implementation of the shift work system.

Regulation regarding working time is one important aspect in providing protection for workers, particularly for workers involved in the shift work system. This provision is generally regulated in Article 63 of the Turkish Labour Law No. 4857, which regulates the limit of working time in an employment relationship, which reads:

“Madde 63 - Genel bakımdan çalışma süresi haftada en çok kırkbeş saattir. Aksi kararlaştırılmamışsa bu süre, işyerlerinde haftanın çalışılan günlerine eşit ölçüde bölünerek uygulanır. (Ek cümle: 10/9/2014-6552/7 md.; Değişik cümle: 4/4/2015-6645/36 md.) Yer altı maden işlerinde çalışan işçilerin çalışma süresi; günde en çok yedi buçuk, haftada en çok otuz yedi buçuk saattir

Tarafların anlaşması ile haftalık normal çalışma süresi, işyerlerinde haftanın çalışılan günlerine, günde onbir saati aşmamak koşulu ile farklı şekilde dağıtılabilir. Bu halde, iki aylık süre içinde işçinin haftalık ortalama çalışma süresi, normal haftalık çalışma süresini aşamaz. Denkleştirme süresi toplu iş sözleşmeleri ile dört aya kadar artırılabilir. (Ek cümle: 6/5/2016-6715/3 md.) Turizm sektöründe dört aylık süre içinde işçinin haftalık ortalama çalışma süresi, normal haftalık çalışma süresini aşamaz; denkleştirme süresi toplu iş sözleşmeleri ile altı aya kadar artırılabilir.

Çalışma sürelerinin yukarıdaki esaslar çerçevesinde uygulama şekilleri, Çalışma ve Sosyal Güvenlik Bakanlığı tarafından hazırlanacak bir yönetmelikle düzenlenir.

(Mülga dördüncü fıkra: 20/6/2012-6331/37 md.)”

Which, when translated into English, reads:

“Article 63 - In general, the maximum working time is forty-five hours per week. Unless otherwise agreed, this period is applied by dividing it equally among the working days of the week at the workplace. **(Additional sentence: 10/9/2014-6552/7 art.; Amended sentence: 4/4/2015-6645/36 art.)** The working time of workers employed in underground mining operations is a maximum of seven and a half hours per day and a maximum of thirty-seven and a half hours per week.

With the agreement of the parties, the normal weekly working time may be distributed differently among the working days of the week at the workplace, provided it does not exceed eleven hours per day. In this case, the worker’s average weekly working time over a two-month period may not exceed the normal weekly working time. The averaging period may be extended up to four months through a collective bargaining agreement. **(Additional sentence: 6/5/2016-6751/3 art.)** In the tourism sector, the average weekly working time of a worker over a four-month period may not exceed the normal weekly working time; the averaging period may be extended up to six months through a collective bargaining agreement.

The method of applying working hours within the framework of the above principles will be regulated by a regulation to be prepared by the Ministry of Labour and Social Security.

(Fourth paragraph repealed: 20/6/2012-6331/37 art.)”

This article stipulates that normal working time is set at a maximum of 45 hours in one week, which in principle is distributed evenly across working days. This provision also provides flexibility for the parties to arrange the division of working time differently, as long as it does not exceed 11 working hours in one day. In addition, the mechanism for calculating average working time is also regulated over a certain period, namely two months, which may be extended up to four months through a collective work agreement, and even up to six months in the tourism sector. Specifically for workers in the underground mining sector, working time is limited more strictly, namely a maximum of 7.5 hours per day and 37.5 hours per week, as a form of protection against occupational risk.

The regulation regarding working time as stipulated in Article 63 of the Turkish Labour Law No. 4857 shows the existence of both limits and flexibility in the implementation of working hours. This provision cannot be separated from the need to fulfill adequate rest time for workers as part of the protection of their physical condition and health. Rest time is regulated in Article 68 of the Turkish Labour Law No. 4857, which reads:

“Madde 68 - Günlük çalışma süresinin ortalama bir zamanında o yerin gelenekleri ve işin gereğine göre ayarlanmak suretiyle işçilere; a) Dört saat veya

daha kısa süreli işlerde onbeş dakika; b) Dört saatten fazla ve yedibuçuk saate kadar (yedibuçuk saat dahil) süreli işlerde yarım saat; c) Yedibuçuk saatten fazla süreli işlerde bir saat, ara dinlenmesi verilir.

Bu dinlenme süreleri en az olup aralıksız verilir.

Ancak bu süreler, iklim, mevsim, o yerdeki gelenekler ve işin niteliği göz önünde tutularak sözleşmeler ile aralı olarak kullanılabilir.

Dinlenmeler bir işyerinde işçilere aynı veya değişik saatlerde kullanılabilir.

Ara dinlenmeleri çalışma süresinden sayılmaz”.

When translated into english, it reads:

“Article 68 – Workers shall be given a rest break in the middle of their daily working time, arranged according to local custom and the requirements of the job, as follows: a) For work with a duration of 4 hours or less, a rest break of 15 minutes shall be given; b) For work with a duration of more than 4 hours up to 7.5 hours, a rest break of 30 minutes shall be given; c) For work with a duration of more than 7.5 hours, a rest break of 1 hour shall be given.

This rest duration is a minimum limit and must be given continuously (without interruption).

However, this rest duration may be given in stages through agreement, taking into account climate, season, local custom, and the characteristics of the work.

Rest time may be given to workers at a workplace at the same time or at different times.

Rest time may not be counted as working hours”.

This article stipulates that workers are given rest time in the middle of their daily working time, adjusted to the duration of working hours as well as the conditions of the work and local customs. For work with a duration of 4 hours or less, a rest of 15 minutes is given, while work of more than 4 hours up to 7.5 hours receives a rest of 30 minutes. Work with a duration of more than 7.5 hours is given a rest time of 1 hour, which is a minimum limit and in principle is given continuously. However, this division of rest time may be carried out in stages based on agreement, taking into account climate, season, custom, and the characteristics of the work. In addition, rest time may be given simultaneously or at different times for workers, and is not counted as part of working hours.

This legal regulation regarding rest time shows that labor law in Turkey not only regulates working duration, but also guarantees in detail the fulfillment of workers’ rest rights in every work implementation. In addition to regulating rest time in the middle of working hours, Turkish labor law also regulates other aspects related to workload, namely overtime working hours. This is further regulated in Article 41 of the Turkish Labour Law No. 4857, which reads:

“Madde 41 - Ülkenin genel yararları yahut işin niteliği veya üretimin artırılması gibi nedenlerle fazla çalışma yapılabilir. Fazla çalışma, Kanunda yazılı koşullar çerçevesinde, haftalık kırkbeş saati aşan çalışmalardır. 63 üncü madde hükmüne göre denkleştirme esasının uygulandığı hallerde, işçinin haftalık ortalama çalışma süresi, normal haftalık iş süresini aşmamak koşulu ile, bazı haftalarda toplam kırkbeş saati aşsa dahi bu çalışmalar fazla çalışma sayılmaz.

Her bir saat fazla çalışma için verilecek ücret normal çalışma ücretinin saat başına düşen miktarının yüzde elli yükseltilmesi suretiyle ödenir. Haftalık çalışma süresinin sözleşmelerle kırkbeş saatin altında belirlendiği durumlarda yukarıda belirtilen esaslar dahilinde uygulanan ortalama haftalık çalışma süresini aşan ve kırkbeş saate kadar yapılan çalışmalar fazla sürelerle çalışmalardır. Fazla sürelerle çalışmalarda, her bir saat fazla çalışma için verilecek ücret normal çalışma ücretinin saat başına düşen miktarının yüzde yirmibeş yükseltilmesiyle ödenir.

Fazla çalışma veya fazla sürelerle çalışma yapan işçi isterse, bu çalışmalar karşılığı zamlı ücret yerine, fazla çalıştığı her saat karşılığında bir saat otuz

dakikayı, fazla sürelerle çalıştığı her saat karşılığında bir saat onbeş dakikayı serbest zaman olarak kullanabilir.

İşçi hak ettiği serbest zamanı altı ay zarfında, çalışma süreleri içinde ve ücretinde bir kesinti olmadan kullanır.

63 üncü maddenin son fıkrasında yazılı sağlık nedenlerine dayanan kısa veya sınırlı süreli işlerde ve 69 uncu maddede belirtilen gece çalışmasında fazla çalışma yapılamaz.

Fazla saatlerle çalışmak için işçinin onayının alınması gerekir.

Fazla çalışma süresinin toplamı bir yılda ikiyüzyetmiş saatten fazla olamaz.

(Ek fıkra: 10/9/2014-6552/4 md.) Bu Kanunun 42 nci ve 43 üncü maddelerinde sayılan hâller dışında yer altında maden işlerinde çalışan işçilere fazla çalışma yaptırılmaz.

(Ek fıkra: 10/9/2014-6552/4 md.) Yer altında maden işlerinde çalışan işçilere, bu Kanunun 42 nci ve 43 üncü maddelerinde sayılan hâllerde haftalık otuz yedi buçuk saati aşan her bir saat fazla çalışma için verilecek ücret, normal çalışma ücretinin saat başına düşen miktarının yüzde yüzden az olmamak üzere arttırılması suretiyle ödenir. (1)(2)

Fazla çalışma ve fazla sürelerle çalışmaların ne şekilde uygulanacağı çıkarılacak yönetmelikte gösterilir”.

Which, when translated into english, read:

“Article 41 - Overtime work may be performed for the general benefit of the country, based on the nature of the work, or for the purpose of increasing production. Overtime work is work that exceeds 45 (forty-five) hours per week in accordance with the provisions written in this Law. In the event that the averaging principle (denkleştirme) is applied under Article 63, such work is not considered overtime even if the total working hours exceed 45 hours in certain weeks, provided that the worker’s average weekly working hours do not exceed the normal weekly working hours.

The wage paid for each hour of overtime work is the amount of the normal hourly wage increased by 50% (fifty percent). In the event that weekly working hours are set below 45 hours through an employment agreement, work exceeding the average weekly working hours up to 45 hours is referred to as “additional-time work”. The wage for each hour of such additional-time work is paid by increasing the normal hourly wage by 25% (twenty-five percent).

Workers performing overtime work or additional-time work may choose to use free rest time instead of the additional premium wage for such work, namely 1 hour 30 minutes for each hour of overtime, and 1 hour 15 minutes for each hour of additional time.

Workers must use the free rest time to which they are entitled within a period of six months, during working hours, and without any deduction in wages.

Overtime work is not permitted in short or limited-duration work based on health reasons as written in the last paragraph of Article 63, nor in night work as regulated in Article 69.

The consent of the worker must be obtained in order to carry out overtime work.

The total overtime working time may not exceed 270 (two hundred and seventy) hours in one year.

(Additional paragraph: 10/9/2014-6552/4 art.) Except in the circumstances specified in Articles 42 and 43 of this Law, overtime work may not be assigned to workers employed in underground mining operations.

(Additional paragraph: 10/9/2014-6552/4 art.) For underground mining workers, in the circumstances specified in Articles 42 and 43 of this Law, the wage for each hour of overtime exceeding 37.5 hours per week must be paid with an increase of the normal hourly wage of not less than 100% (one hundred percent).

Further provisions regarding the procedures for the implementation of overtime work and additional-time work will be regulated by government regulation.”

Article 41 stipulates that overtime work in Turkey is work performed beyond 45 working hours in one week, which may be carried out for public interest, the nature of the work, or an increase in production. Under this provision, workers who work overtime are entitled to an additional wage of 50% of the normal hourly wage, while work exceeding weekly working hours set below 45 hours is referred to as additional-time work with an additional wage of 25%. In addition, workers are also given the option to exchange overtime pay for free rest time in accordance with applicable provisions. The implementation of overtime work must be based on the worker’s consent and is limited to a maximum of 270 hours per year, and is not permitted under certain conditions such as night work or work related to health and safety. This provision shows that the regulation of overtime in Turkey does not only regulate the limit of working time, but also provides protection in the form of clear compensation and limitations.

In addition to the regulation of overtime work, Turkish labor law also specifically regulates the implementation of night work, which is closely related to the shift work system. This regulation is important because night work is a form of work pattern that carries a higher risk to workers’ physical condition and health. Therefore, the provisions regarding night work are placed in a separate regulation to provide more specific protection for shift workers. This is explained in Article 69 of the Turkish Labour Law No. 4857, which reads:

“Madde 69 - Çalışma hayatında "gece" en geç saat 20.00'de başlayarak en erken saat 06.00'ya kadar geçen ve her halde en fazla onbir saat süren dönemdir.

Bazı işlerin niteliğine ve gereğine göre yahut yurdun bazı bölgelerinin özellikleri bakımından, çalışma hayatına ilişkin "gece" başlangıcının daha geriye alınması veya yaz ve kış saatlerinin ayarlanması, yahut gün döneminin başlama ve bitme saatlerinin belirtilmesi suretiyle birinci fıkradaki hükmün uygulama şekillerini tespit etmek yahut bazı gece çalışmalarına herhangi bir oranda fazla ücret ödenmesi usulünü koymak veyahut gece işletilmelerinde ekonomik bir zorunluluk bulunmayan işyerlerinde işçilerin gece çalışmalarını yasak etmek üzere yönetmelikler çıkartılabilir.

İşçilerin gece çalışmaları yedibuçuk saati geçemez. (Ek cümle: 4/4/2015-6645/37 md.) Ancak, turizm, özel güvenlik, sağlık hizmeti ve 30/5/2013 tarihli ve 6491 sayılı Türk Petrol Kanunu uyarınca petrol araştırma, arama ve sondaj faaliyetleri kapsamında yürütülen işlerde işçinin yazılı onayının alınması şartıyla yedi buçuk saatin üzerinde gece çalışması yaptırılabilir.²⁷

(Mülga dördüncü fıkra: 20/6/2012-6331/37 md.)

(Mülga beşinci fıkra: 20/6/2012-6331/37 md.)

(Mülga altıncı fıkra: 20/6/2012-6331/37 md.)

Gece ve gündüz işletilen ve nöbetleşe işçi postaları kullanılan işlerde, bir çalışma haftası gece çalıştırılan işçilerin, ondan sonra gelen ikinci çalışma haftası gündüz çalıştırılmaları suretiyle postalar sıraya konur. Gece ve gündüz postalarında iki haftalık nöbetleşme esası da uygulanabilir.

Postası değiştirilecek işçi kesintisiz en az onbir saat dinlendirilmeden diğer postada çalıştırılama.”

Which, when translated into English, reads:

“Article 69 - In working life, “night” is the period beginning at the latest at 20.00 and ending at the earliest at 06.00, and in any case lasting a maximum of eleven hours.

Depending on the nature and requirements of certain jobs or the characteristics of certain regions of the country, regulations may be issued to determine the manner of application of the provision in the first paragraph by moving forward the start of “night” in working life or adjusting summer and winter hours, or

by specifying the start and end times of the daytime period, or to establish a procedure for paying additional wages at a certain rate for some night work, or to prohibit workers from working at night at workplaces that have no economic necessity to operate at night.

Workers may not work more than seven and a half hours at night. **(Additional sentence: 4/4/2015-6645/37 art.)** However, in tourism, private security, health services, and activities carried out within the scope of petroleum exploration, search, and drilling under the Turkish Petroleum Law No. 6491 dated 30/5/2013, workers may work more than seven and a half hours at night with the written consent of the worker concerned.

(Fourth paragraph repealed: 20/6/2012-6331/37 art.)

(Fifth paragraph repealed: 20/6/2012-6331/37 art.)

(Sixth paragraph repealed: 20/6/2012-6331/37 art.)

In work that operates day and night and uses alternating worker shifts, workers who work the night shift in one working week shall be switched to the day shift in the following working week, in order. The principle of two-week alternation may also be applied to day and night shifts.

A worker whose shift is to be changed may not be employed in another shift without being given an uninterrupted rest of at least eleven hours”.

Article 69 of Labour Law No. 4857 explicitly limits night working hours, regulates weekly/daily working duration, and establishes provisions regarding work rotation and rest time between shifts. Article 69 paragraph (7) of the Turkish Labour Law No. 4857 affirms that workers may not be assigned to work continuously on the night shift, and employers are required to carry out shift rotation on a weekly basis or at most every two weeks. Article 69 paragraph (8) of Labour Law No. 4857 stipulates that in the shift rotation process workers must be given a minimum rest of 11 (eleven) hours before starting a shift the following day. This must be carried out by employers under the supervision of labor authorities, thereby normatively providing a clearer basis for efforts to prevent fatigue caused by shift jumping.

This regulation shows that the Turkish Labour Law No. 4857 is not only oriented toward the technical regulation of employment relations, but also places the protection of workers' health as an important part of the implementation of the shift work system. The urgency of this regulation can be seen from various studies showing that shift workers have a higher level of vulnerability to health problems, particularly sleep disorders, compared to workers who work normal daytime hours, based on the empirical fact that a work pattern that is not aligned with the human body's circadian rhythm can negatively affect workers' health. A study conducted on 1,473 workers in the city of Adana, Turkey, showed that shift workers had a rate of chronic insomnia cases of 16.2%, or twice as high as day workers, who had a rate of only 8%. This shows that the shift work system has a significant effect on the disruption of sleep patterns and the decline in workers' quality of life. This risk not only affects individual health conditions, but also has the potential to increase the rate of workplace accidents, particularly among workers who regularly work the night shift, with an accident rate reaching 11.5% (Unal & Aslam, 2020). This condition shows the importance of the provisions in Article 69 of the Turkish Labour Law No. 4857 as a form of legal protection for the health and safety of workers in the implementation of the shift work system.

The existence of this regulation shows that the mechanism for implementing shift work in Turkey is not entirely left to the policy of each individual company. The provisions regarding shift rotation, restrictions on night work, and rest intervals between shifts have been explicitly regulated in the Turkish Labour Law No. 4857, thereby creating legal certainty for both workers and employers. This regulation affirms that the fulfillment of the rights of shift workers is a binding legal obligation that must be fulfilled in the implementation of an employment relationship. It can therefore be concluded that the labor law system in Turkey shows a strong orientation toward the protection of workers' health and safety as part of modern labor standards.

c. **Comparative Table of Regulations on Shift Work Systems in Indonesia and Turkey**

Table 1.1 Comparison of Shift Work System Arrangements in Indonesia and Turkey

Regulatory Aspect	Indonesia	Turkey
Working Time	Article 77 paragraph (2) Job Creation Law jo. Article 21 paragraph (2) Government Regulation No. 35/2021: Working time is divided into 2 schemes; a. 7 hours 1 day and 40 hours 1 week for 6 working days; b. 8 hours 1 day and 40 hours 1 week for 5 working days.	Article 63 Turkish Labour Law No. 4857: In general, the standard maximum working time is 45 hours per week, divided evenly across each working day.
Overtime	Article 78 paragraph (1) Job Creation Law jo. Article 26 Government Regulation No. 35/2021: Requirements for an employer to employ a worker beyond working time: • There is the consent of the worker concerned • Overtime hours are at most 4 hours in 1 day and 18 hours in 1 week	Article 41 <i>Turkish Labour Law No. 4857</i>: Overtime is defined as work exceeding 45 hours per week. The maximum total overtime may not exceed 270 hours in one year.
Rest Time	Article 79 paragraph (2) Job Creation Law jo. Article 22 Government Regulation No. 35/2021: • Rest between working hours, at least 30 minutes after working continuously for 4 hours • Weekly rest of 1 day for 6 working days in 1 week or 2 days for 5 working days in 1 week.	Article 68 Turkish Labour Law No. 4857: • Work for 4 hours or less, rest of at least 15 minutes • Work of more than 4 hours up to 7.5 hours, rest of at least 30 minutes • Work of more than 7.5 hours, rest of at least 60 minutes.
Shift Rotation	No specific regulation yet	Article 69 Turkish Labour Law No. 4857: Shift rotation for night shift workers is regulated to occur every 1 week or 2 weeks.
Rest Interval between shifts	No specific regulation yet	Article 69 Turkish Labour Law No. 4857: The minimum rest interval between shifts is regulated to be 11 hours.

Source: (self-processed)

Based on this comparison, it can be seen that the regulation of the shift work system in Turkey has more detailed provisions compared to Indonesia. Turkish labor law not only regulates working time, overtime, and rest time in general, but also provides specific regulation regarding the shift rotation mechanism and the establishment of a minimum rest interval between shift changes. Meanwhile, Indonesian labor law is still limited to provisions on working hours, overtime, rest between working hours, and weekly rest, without specifically regulating the shift work system. This condition shows a significant difference in the level of regulation, in which Indonesia does not yet have legal arrangements that explicitly regulate the mechanism for implementing the shift work system. It can therefore be concluded that there is a legal vacuum in the regulation of the shift work system in Indonesia when compared to the arrangements already implemented in Turkey through the Turkish Labour Law No. 4857.

d. Analysis of Shift Work System Implementation and Shift Jumping Problematics in Indonesian Industrial Relations

The implementation of shift jumping working hours is closely related to the shift work system. The shift work system is a method of arranging working time that divides workers' working hours into several specific time groups so that the company's operational activities can continue for 24 hours. This system is generally applied in the manufacturing industry, hospitals, transportation, security, and public service sectors that require uninterrupted operational continuity (Dessler, 2020). The shift work system is divided into two types, fixed shift and rotating shift. A fixed shift is a condition in which workers work on the same schedule every day consistently. Meanwhile, a rotating shift is a system in which workers move between work schedules within a certain period of time (Sondak et al., 2025). The implementation of shift rotation is basically aimed at maintaining the company's operational continuity. However, its implementation can cause problems if it is not balanced with comprehensive regulation of its technical mechanism, such as the rotation period and the minimum rest interval between shifts.

Normatively, labor law in Indonesia gives employers the right to arrange the division of work schedules and rest through Article 77 paragraph (4) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which reads "(4) The implementation of working hours for Workers/Laborers in a Company shall be regulated in an Employment Agreement, Company Regulation, or Collective Labor Agreement" and Article 79 paragraph (5) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which reads "(5) In addition to the rest time and leave referred to in paragraphs (1), (2), and (3), certain Companies may provide extended leave regulated in an Employment Agreement, Company Regulation, or Collective Labor Agreement". Both articles show that the technical regulation of the implementation of working time and rest time within the shift work system is left to the company's internal policy.

The discretion held by companies to regulate the technical mechanism for implementing shift work allows employers to arrange rotating shifts by adjusting them to the company's needs without considering adequate rest time for workers. A rotating shift is basically divided into two types: regular rotation and irregular rotation. Regular rotation is a pattern of changing work schedules that repeats in a consistent cycle, while irregular rotation is a random change of schedule without a fixed pattern (swabina.id, 2026). This will eventually cause problems if shift rotation is carried out irregularly, especially when combined with the condition that companies have greater discretion to regulate the technical mechanism for implementing shift work due to the absence of detailed, binding legal regulation regarding the mechanism of the shift work system. This condition opens up the opportunity for shift jumping working hours to be implemented in Indonesia.

The term shift jumping is not formally recognized in Indonesian labor law. Shift jumping is a condition in which a worker experiences a rapid and significant change in work schedule (halodoc, 2026). In practice, it differs from normal shift rotation, which usually follows a planned cycle accompanied by adequate rest time for workers. In the practice of

shift jumping, a worker can be moved to the next shift within a short period of time, such as moving from the night shift to the morning shift the following day, as long as the general provisions regarding total working hours are still considered fulfilled by the company (Auli, 2023).

Data from the Central Statistics Agency (BPS) in 2025 regarding total average working hours shows that the claim of compliance with weekly working time limits does not match the facts on the ground. The following is a table of average working time for the period 2022-2025 based on 2025 data from the Central Statistics Agency of Indonesia.

Table 1.2 Average Weekly Working Time of Workers in Indonesia, 2022-2025

Year	Average Working Hours per Week (Hours)
2022	40.02
2023	40.6
2024	41
2025	41

Source: (Badan Pusat Statistik 2025)

[BPS Data 2025. Keadaan-Ketenagakerjaan-Indonesia](#)

Based on the data above, it can be seen that in 2025 the average weekly working time was 41 hours. This fact contradicts the rule regarding working time in Article 77 of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which states that the maximum working time in 1 week is 40 hours. This condition shows that the implementation of working time in the field still has the potential to exceed the limit set in the legislation.

The problem of excessively long working hours is also reflected in the practice of implementing the shift work system at several companies that operate 24 hours a day. One illustration of this practice can be seen in the results of research on Company X, which operates in the photography services sector. The research results show that Company X implements a shift work system with rotation that changes every day. This causes its workers to have to continuously readjust their sleep time, meal time, and leisure time. This irregularity creates instability in daily routines and triggers stress due to a lack of time for rest and socializing. In interviews with the researcher, workers at Company X also confirmed that as a result of the daily shift rotation, they experienced mental fatigue, difficulty concentrating, and felt bored due to an unpredictable work rhythm (Zahra et al., 2025). This condition shows that although the shift work system aims to divide workload and maintain the company's 24-hour operations, if rotation is carried out every day, its adverse effects will be felt by the affected workers, such as disruption of circadian rhythm and workers' quality of life.

Problems in the implementation of the shift work system have also been found in work sectors that demand operational continuity and a high level of alertness for 24 hours. This practice can be seen in the implementation of a shift work system for Aviation Security (AVSEC) officers, who are responsible for maintaining the security and safety of flight operations. AVSEC personnel are responsible for maintaining the security and safety of flight operations at airports, so their work activities are carried out continuously for 24 hours. This condition causes companies to implement a shift work system to maintain the continuity of flight security services and supervision. Over 24 hours, there are only 2 shifts. The morning shift begins at 08.30-20.30 and the night shift begins at 20.30-08.30. Based on the research results, it was found that as many as 70% of AVSEC officers experienced fatigue in the high category. This was influenced by the implementation of the shift work system with an excessive duration of working hours as well as mental workload, repetitive motion, and poor sleep quality. Shift rotation and long working duration cause workers to experience disruption of rest time and a decline in physical and mental condition (Sari et al., 2025). This research therefore shows that the implementation of a shift work system that is not balanced with adequate rest time arrangements has the potential to increase work fatigue and the risk of health problems in workers.

Based on the description of the case at Company X and AVSEC officers, it can be understood that the implementation of shift jumping working hours in Indonesia creates various problems in industrial relations. From a normative aspect, this practice shows an imbalance of position between workers and employers, because companies have discretion in arranging shift rotation due to the absence of legal regulation specifically limiting the mechanism of the shift work system. As a result, this leaves workers without a sufficiently strong position to refuse excessive changes to their work schedule. From a sociological aspect, the implementation of shift rotation that does not take into account workers' biological recovery time has the potential to disrupt workers' health, reduce work concentration, and increase the risk of workplace accidents (Oktaviana & Hendra, 2022), particularly in sectors that demand a high level of alertness such as transportation and aviation security.

The implementation of shift jumping working hours in industrial relations is influenced by factors from the perspectives of both employers and workers. From the employer's side, the implementation of shift jumping is generally influenced by the demands of 24-hour company operations, high production targets, limited numbers of workers, and the need to maintain continuity of service or production (Akbar & Irawati, 2023). In addition, the absence of detailed legal regulation regarding the mechanism of shift rotation and rest intervals between shifts causes companies to have discretion in arranging changes to workers' work schedules. This condition encourages companies to make rapid shift changes to adjust to operational needs in the field. Meanwhile, from the worker's side, the practice of shift jumping can be influenced by job demands and the position of workers, who tend to be weaker in industrial relations. Workers generally find it difficult to refuse changes to their work schedule set by the company due to concerns about performance evaluation, incentive cuts, or the risk of losing their job. In addition, a shortage of workers in one shift often causes other workers to have to replace the work schedule suddenly (Solution, 2026). As a result, workers have to undergo rapid shift changes without adequate rest time.

The various factors causing shift jumping ultimately have a significant impact on workers' condition. Workers who experience rapid shift changes without sufficient rest time have the potential to experience physical fatigue, disrupted sleep patterns, and decreased concentration at work (Syafar & Fiatno, 2018). This condition can also affect workers' mental health, such as increased work stress, anxiety, and a decline in quality of life due to an imbalance between working time and rest time. In addition to affecting workers' health, the practice of shift jumping also increases the risk of workplace accidents because workers are in a physical and mental condition that is not optimal while carrying out their work (Moreira & de Lucca, 2024).

The continuous implementation of shift jumping working hours has the potential to cause negative effects on industrial relations in the work environment. Shift changes that are too rapid without adequate recovery time can cause workplace accidents due to fatigue, decreased concentration, and disruption of workers' circadian rhythm (Ulandari, 2026). This condition violates the principle of Occupational Safety and Health (K3) that should be guaranteed by the company (Kimal, 2025). In addition to harming workers in terms of physical health, this impact also indirectly harms employers because work productivity will automatically decline due to the high potential for workers to make mistakes (human error) (Wardhana & Tejamaya, 2024). In the long term, this condition has the potential to create unharmonious industrial relations between workers and employers.

The existence of labor law in Indonesia aims to provide protection for workers and guarantee the fulfillment of their rights in employment relations, including the right to rest time, health, and occupational safety (Qibthiyyah, 2021). Therefore, the implementation of the practice of shift jumping without regard to working time limits and workers' recovery time needs may conflict with the purpose of labor law, which is oriented toward the protection and welfare of workers. This shows that the implementation of the shift work

system should not only focus on the company's operational interests, but must also take into account the protection of workers' physical and mental condition.

e. Identification of the Legal Vacuum in Shift Work System Regulations and a Comparison on Shift Jumping Practices in Indonesia and Turkey

The shift work system is currently one of the work patterns widely implemented in industrial relations, particularly in companies that carry out operational activities for 24 hours. The implementation of this system can be found in the industrial, hospital, transportation, and public service sectors that require uninterrupted work continuity (Ulandari, 2026). The use of the shift work system shows the development of a work relationship pattern that adjusts to the operational needs of modern companies (ILO, 2022). Therefore, the existence of clear legal regulation regarding the mechanism for implementing the shift work system is important to provide legal certainty while also protecting workers' rights.

This can be seen from Article 77 paragraph (2) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law, which explains the working time limit divided into 2 schemes, namely a 6-day working system with a duration of 7 hours per day and a 5-day working system with a duration of 8 hours per day, both of which lead to a maximum limit of 40 hours in one week. The substance of this arrangement tends to focus on limiting working duration in general, without specifically regulating the division of time within the shift work system. Furthermore, Article 79 paragraph (2) of Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 into Law explains that the rest time that employers must provide to workers includes rest between working hours of at least half an hour after working continuously for 4 hours, as well as a weekly rest of 1 day for a 6-day working week system. Both articles in this legal regulation focus more on the number of working hours of workers in one day or one week. Meanwhile, the provision regarding rest time only provides regulation related to the right to rest after working for a certain period and the right to a weekly day off for workers. This condition shows that the mechanism for implementing the shift work system, particularly regarding the shift rotation period and the minimum rest interval between shifts, has not been specifically regulated in labor law in Indonesia.

The still-general regulation of working time shows that labor law in Indonesia has not accommodated the need for more detailed implementation of the shift work system. To this day, there remains a legal vacuum in Indonesian labor law regarding the mechanism of shift work, ranging from the duration of shift rotation to the minimum rest interval between shifts. The absence of this regulation causes the implementation of the shift work system to be left entirely to the policy of each individual company through company regulations or employment agreements. The discretion held by companies to regulate the technical mechanism regarding working time and rest time creates a loophole for the practice of shift jumping to be implemented in Indonesia, as shown in the case examples of workers at Company X, who implement daily shift rotation, and AVSEC officers, who work shifts of 12 hours every day.

A legal vacuum is a condition in which there is no legislation regulating a concrete event or a new issue in society (Pratama, 2019). This condition can cause legal uncertainty because an existing event has caused a negative impact on the party concerned, yet cannot be resolved through positive law. The existence of a legal vacuum regarding the shift work system in Indonesia can be seen when compared to Turkey, which already has more specific regulation regarding the mechanism of the shift work system. A book titled *An Introduction to Comparative Law* explains that the main purpose of legal comparison is to understand law more deeply through comparison between systems, not to imitate another legal system (Zweigert & Kotz, 1998).

Turkey is a country with a civil law system (Ansary & Wallace, 2011), the same as Indonesia. In its labor law, Turkey has regulated the duration of shift rotation and the minimum rest interval between shifts. The existence of this legal regulation illustrates that

in Turkey, the shift work system is treated as a work system that requires its own legal protection. With clearer legal regulation, the implementation of the shift work system in Turkey has better legal certainty for both workers and employers compared to Indonesia. The regulation regarding the mechanism of the shift work system is explained in Article 69 of the Turkish Labor Law No. 4857, which reads:

“...Gece ve gündüz işletilen ve nöbetleşe işçi postaları kullanılan işlerde, bir çalışma haftası gece çalıştırılan işçilerin, ondan sonra gelen ikinci çalışma haftası gündüz çalıştırılmaları suretiyle postalar sıraya konur. Gece ve gündüz postalarında iki haftalık nöbetleşme esası da uygulanabilir.

Postası değiştirilecek işçi kesintisiz en az onbir saat dinlendirilmeden diğer postada çalıştırılama.”

Which, when translated into English, reads:

“...In work that operates day and night and uses alternating worker shifts, workers who work the night shift in one working week shall be switched to the day shift in the following working week, in order. The principle of two-week alternation may also be applied to day and night shifts.

A worker whose shift is to be changed may not be employed in another shift without being given an uninterrupted rest of at least eleven hours”.

This article states that night shift workers must undergo shift rotation within one week, or at most 2 weeks, and that the minimum rest interval for workers about to be rotated to another shift is 11 hours. For example, a worker who has finished a night shift at 06.00 in the morning may, at the earliest, be employed again 11 hours later, namely at 17.00 in the afternoon. Employers are also strictly prohibited from employing their workers twice on the same day. This standard automatically closes off the space for the practice of shift jumping to occur, because the law limits working hours in order to protect workers' physical condition and health.

The urgency of the strict legal restrictions in Turkey through the Turkish Labour Law No. 4857 is consistent with the facts on the ground regarding the adverse effects of shift work on workers' health. A study on a sample population of shift workers in the city of Adana, Turkey, proved that the shift rotation system and night work greatly damage workers' sleep quality. This study, which involved 1,473 workers in the health, security, and factory labor sectors, showed that shift workers had a risk of excessive daytime sleepiness of 24.9% compared to only 17.1% for day workers. The rate of chronic insomnia among shift workers in Turkey also reached 16.2%, twice as high as the 8% rate among day workers. Based on the medical analysis in this study, this chronic insomnia disorder was directly triggered by night work schedules and the short duration of recovery or rest between shift changes (short time duration for recovery between shifts) (Unal & Aslam, 2020).

Turkish labor law regulation through the Turkish Labour Law No. 4857, in responding to this health hazard, is reflected in the existence of strong sanctions and rights protection for workers. Article 24 of the Turkish Labour Law No. 4857 reads:

“Madde 24 - Süresi belirli olsun veya olmasın işçi, aşağıda yazılı hallerde iş sözleşmesini sürenin bitiminden önce veya bildirim süresini beklemeksizin feshedebilir:

I. Sağlık sebepleri: a) İş sözleşmesinin konusu olan işin yapılması işin niteliğinden doğan bir sebeple işçinin sağlığı veya yaşayışı için tehlikeli olursa; b) İşçinin sürekli olarak yakından ve doğrudan buluşup görüştüğü işveren yahut başka bir işçi bulaşıcı veya işçinin işi ile bağdaşmayan bir hastalığa tutulursa...”

Which, when translated into English, reads:

“Article 24 - Whether the employment contract is for a fixed term or not, an employee may terminate the employment contract before the end of its term or without waiting for the notice period in the following cases:

I. Health reasons: a) If the performance of the work that is the subject of the employment contract becomes dangerous to the worker's health or life for a reason arising from the nature of the work; b) If the employer or another employee with

whom the worker has continuous close and direct contact contracts a contagious disease or a disease incompatible with the worker's job..."

The above provision explicitly protects workers from aspects of physical health and moral violations committed directly by employers. Furthermore, Article 24 also extends its legal protection to economic rights (wages) and emergency situations in the workplace, as stated in the continuation of the article as follows:

"...II. Ahlak ve iyiniyet kurallarına uymayan haller ve benzerleri: a) İşveren iş sözleşmesi yapıldığı sırada bu sözleşmenin esaslı noktalarından biri hakkında yanlış vasıflar veya şartlar göstermek yahut gerçeğe uygun olmayan bilgiler vermek veya sözler söylemek suretiyle işçiyi yanıltırsa; b) İşveren işçinin veya ailesi üyelerinden birinin şeref ve namusuna dokunacak şekilde sözler söyler, davranışlarda bulunursa veya işçiye cinsel tacizde bulunursa; c) İşveren işçiye veya ailesi üyelerinden birine karşı sataşmada bulunur veya gözdağı verirse, yahut işçiyi veya ailesi üyelerinden birini kanuna karşı davranışa özendirir, kışkırtır, sürükler, yahut işçiye ve ailesi üyelerinden birine karşı hapsi gerektiren bir suç işlerse yahut işçi hakkında şeref ve haysiyet kırıcı asılsız ağır isnad veya ithamlarda bulunursa; d) İşçinin diğer bir işçi veya üçüncü kişiler tarafından işyerinde cinsel tacize uğraması ve bu durumu işverene bildirmesine rağmen gerekli önlemler alınmazsa; e) İşveren tarafından işçinin ücreti kanun hükümleri veya sözleşme şartlarına uygun olarak hesap edilmez veya ödenmezse; f) Ücretin parça başına veya iş tutarı üzerinden ödenmesi kararlaştırılıp da işveren tarafından işçiye yapabileceği sayı ve tutardan az iş verildiği hallerde, aradaki ücret farkı zaman esasına göre ödenerek işçinin eksik aldığı ücret karşılanmazsa, yahut çalışma şartları uygulanmazsa.

III. Zorlayıcı sebepler: İşçinin çalıştığı işyerinde bir haftadan fazla süre ile işin durmasını gerektirecek zorlayıcı sebepler ortaya çıkarsa."

Which, when translated into English, reads:

"...II. Cases and similar situations that do not comply with the principles of morality and good faith: a) If the employer misleads the employee at the time the employment contract is concluded by providing false qualifications or conditions, or by giving untrue information or making false statements regarding one of the essential points of the employment contract; (b) If the employer makes statements or engages in conduct that violates the honor and dignity of the employee or a member of their family, or if the employer sexually harasses the employee; c) If the employer harasses or intimidates the employee or a member of their family, or encourages, incites, or leads the employee or a member of their family to engage in unlawful conduct, or commits an offense punishable by imprisonment against the employee or a member of their family, or makes unfounded and serious accusations or charges against the employee that damage their honor and dignity; d) If an employee experiences sexual harassment in the workplace by another employee or a third party, and although this has been reported to the employer, the necessary measures are not taken; e) If the employer fails to calculate or pay the employee's wages in accordance with statutory provisions or the terms of the contract; f) If it is agreed that wages will be paid per piece or based on the amount of work performed, and the employer provides the worker with less work than they are able to perform in terms of quantity and amount, and the wage difference is not compensated by paying the shortfall in wages on a time basis, or if the working conditions are not applied.

III. Compelling reasons: If a compelling reason arises at the workplace where the employee works that requires work to stop for more than one week."

These paragraphs broadly explain the worker's right to unilaterally and immediately terminate employment (without a notice period) due to a serious violation by the employer or due to an emergency situation. This article gives workers the right to unilaterally terminate the employment contract for just cause (haklı fesih) if the company violates the 11-hour rest time or forces the worker to undergo shift jumping. Such action by the employer is categorized as a serious violation of working conditions and work ethics.

Judicial practice in Turkey also shows the same firmness, in which the Turkish Supreme Court (Yargıtay) has consistently ruled in favor of workers and has stated that forcing work without sufficient daily rest gives workers the right to leave and to claim their rights. This is evidenced in the example of the ruling Yargıtay 9th Civil Chamber 2016/19322 E. 2017/9164 K. In that ruling, the judge of the Turkish Supreme Court stated that, under the Turkish Labour Law No. 4857, an employer who employs a worker without giving them a minimum of 11 consecutive hours of rest per day, and a night shift exceeding 7.5 hours, is engaging in prohibited work that is not included within the 270-hour limit for overtime work (Asutay, 2020). This legal firmness, based on health protection, is the opposite of the situation in Indonesia, where workers affected by the practice of shift jumping cannot formally make claims against employers because there is no article protecting them.

2. The Urgency of Legal Frameworks for Shift Work Provisions to Ensure Worker Health in Indonesia

a. Impacts of Shift Jumping Working Hours on Worker's Health

The implementation of shift jumping working hours in industrial relations does not merely pertain to the allocation of working time, but directly impacts workers' health conditions. Irregular shift rotation patterns can disrupt the body's ability to adapt to daily activity rhythms, thereby causing various physiological and psychological disorders. These disorders occur because the human body fundamentally functions according to a biological timing system known as the circadian rhythm. From a neuroscience perspective, the primary regulatory center of this circadian rhythm is controlled by the suprachiasmatic nucleus (SCN), located in the anterior hypothalamus of the brain. The SCN functions to synchronize the body's physiological processes over a full 24-hour cycle, including conditioning when the body should remain awake and when it should rest, by stimulating the pineal gland to produce the hormone melatonin so that humans can sleep at night. Therefore, human physical recovery requires a fixed time cycle and cannot be altered abruptly (Ma & Morisson, 2023). The process of adjusting the human biological clock to a new schedule requires, on average, approximately one full day (24 hours) just to adapt to a work schedule shift of one to two hours (Team, 2023). Consequently, if a worker is forced to undergo extreme transitions in the implementation of shift jumping, the body's organs and metabolic systems require a gradual adjustment period of several days to a full week for the circadian rhythm to become synchronized again.

The implementation of shift jumping working hours in Indonesian industrial relations can disrupt the structure of this circadian rhythm and trigger a condition called Shift Work Disorder (SWD). SWD is characterized by symptoms of critical insomnia or excessive sleepiness. This condition emerges as a direct consequence of the mismatch between the work schedules established by companies and the workers' normal sleep hours (American Academy of Sleep Medicine, 2022). Based on research in the journal *Neurological Sciences* and *Neurophysiology*, limited recovery duration between shifts is proven to trigger an increased risk of excessive daytime sleepiness, reaching up to 24.9%, and a chronic insomnia presentation of 16.2% among shift workers (Ma & Morisson, 2023). This adverse impact forces humans to continue working amidst a decline in their own brain function capacity due to irregular melatonin suppression.

The decline in brain function capacity and the accumulation of unrecovered fatigue resulting from sleep disturbances can jeopardize workers' mental health. The strain on brain function due to shift jumping working hours can disrupt the balance of neurochemicals in the brain, such as serotonin and dopamine, which play a role in regulating mood and well-being. Irregular shift work patterns can increase the risk of occupational stress, anxiety, and depression in workers because the body struggles to adapt to fluctuating workloads. This condition can also exacerbate mental exhaustion (burnout) because workers lose stable and adequate recovery time. A study demonstrates that work schedule disruptions can increase the risk of mental health disorders compared to workers with more regular daytime work

schedules. In addition to affecting psychological conditions, work schedule uncertainty can also disrupt workers' relationships with their families and social environments, thereby triggering social alienation and more severe psychological distress (Sriwijaya et al., 2026).

The burden of stress from a continuously disrupted body rhythm can also cause physical disorders within the human cardiovascular system. The lack of daily rest due to shift jumping working hours forces the body into a state of high alert, triggering the excessive release of cortisol and adrenaline into the bloodstream. Based on the results of a systematic review and dose-response meta-analysis of 23 studies published in the journal *Frontiers in Public Health*, long-term night shift work is proven to increase the overall risk of cardiovascular disease, including the risk of mortality from heart disease. The journal also indicates that the longer a person works within an irregularly rotating shift work system, the greater the risk of developing heart disease and dying from it (Xi et al., 2025). This condition demonstrates that the lack of rest time after workers complete their shifts is not merely an operational arrangement issue, but is directly linked to the protection of worker health and safety.

The implementation of shift jumping working hours specifically exerts detrimental impacts on the reproductive systems of female workers. Empirical data published in the *Window of Public Health Journal* indicates 56,051 cases of reproductive health disorders among female workers in Indonesia. This condition is reinforced by research findings in the manufacturing sector, which found that workload and psychosocial factors in the workplace have a significant impact on declining reproductive health among female laborers. Biologically, the female body relies heavily on the regularity of the circadian rhythm; meaning that when female workers are forced to undergo shift jumping or random schedule rotations, it causes a disruption of biological rhythms that impacts their physiological functions (Djaya et al., 2025).

Circadian rhythm disruption due to irregular night work acts as a primary trigger for hormonal imbalances in women, including through the reduction of melatonin and estrogen secretion. This hormonal imbalance has direct implications on menstrual cycle disorders (such as menstrual irregularities or prolonged bleeding), subfertility, and an increased risk of spontaneous miscarriage in pregnant workers. Work patterns that disregard biological clock requirements force the female reproductive system to function under severe physical and psychological stress (Martiana & Suryadi, 2019). Medical research demonstrating significant damage to the internal bodily functions of female workers confirms that the regulatory vacuum regarding shift work mechanisms in Indonesia is not merely a labor issue, but a violation of human rights protecting female reproductive functions.

The decline in physiological functions and the accumulation of fatigue arising from circadian rhythm disruptions trigger actual workplace accidents in the field. For instance, reports regarding the working conditions of laborers in the Weda Bay nickel industrial zone show that the operational governance of companies implements extreme working hour policies divided into only two shifts, where laborers are required to work 12 hours per shift, accumulating up to 60 working hours a week. This exploitative work time organization is exacerbated by the absence of guaranteed adequate rest periods during operational hours; workers are even forced to consume meals on top of machinery to maintain the company's production rhythm. The accumulation of risk factors including long working hours, extreme heat, and physical strain triggers the phenomenon of sudden death (*karoshi*) at the workplace and employee dormitories. Based on interviews, 19 out of 23 laborers stated they had known and directly witnessed their coworkers dying suddenly due to cardiovascular complications. In addition to threatening physical safety, the constant psychological pressure of industrial relations resulting from a schedule divided into only two shifts massively damages workers' mental health. This severe depression and uncompensated burnout are recorded to have increased fatal actions in the nickel industry environment, with details of at least 12 cases of laborers committing suicide, alongside high rates of workplace accidents recurring daily (Saturi, 2026). This condition demonstrates that a 12-hour work

pattern without proper biological recovery intervals acts as a silent killer that robs workers of their most fundamental human right, namely the right to life.

Another case example resulting from the implementation of shift jumping working hours is explained through a study in the international-scale transportation and logistics industry sector at the Surabaya container terminal. Port operational activities, which are demanded to run uninterrupted for a full 24 hours, force workers—particularly heavy equipment operators such as Container Crane (CC) and Rubber Tyred Gantry (RTG) operators—to work in high-risk night shift patterns. Research findings at this container terminal confirm that 43.9% of active shift workers experience serious sleep disturbances due to work environment noise and inconsistent rest patterns. The impact of this condition is a decline in workers' alertness levels due to the accumulation of sleepiness during night shifts. The workplace accident rate during night shifts at the port is considerably high. A total of 47 accident cases were recorded consecutively in 2015 (24.6% of total incidents) and 2016 (27.8% of total incidents). The majority of the victims in these nighttime workplace incidents were dominated by Container Crane operators, with an involvement rate reaching 85.4% (Saraswati & Paskarini, 2018). This fact proves that sleep disturbances in shift workers are closely related to fatal workplace accident cases in company operational areas.

The adverse impacts that can lead to workplace accidents from implementing shift jumping working hours potentially experienced by workers emphasize the importance of detailed legal regulations governing shift work system mechanisms. The implementation of shift jumping working hours indicates that the execution of the shift work system in Indonesia remains more oriented toward the operational needs of companies rather than protecting the condition of workers. Rapid shift changes carried out without adequate recovery time leave workers vulnerable to physical fatigue, sleep pattern disruptions, and heart disease risks. This situation shows that current regulations on working hours and rest periods are unable to meet the need for worker protection in shift work systems expanding in the field. Consequently, the execution of shift rotation in practice often depends on company policy without clear boundaries regarding worker recovery time.

This problem also demonstrates that industrial relations in the execution of shift work systems still place workers in a vulnerable position. Workers often lack sufficient leverage to reject sudden changes in work schedules due to the subordinate relationship in employment. If this condition is left unaddressed, the practice of shift jumping potentially creates an unhealthy work environment and increases the risk of industrial relations conflicts. Therefore, more detailed legal regulations regarding shift work system mechanisms—ranging from shift rotation periods to rest intervals between shifts—are required so that the execution of shift work systems continues to prioritize the protection of worker health and safety.

b. The Importance of Legal Regulations on Shift Work Provisions to Ensure Worker Health in Indonesia

The implementation of shift jumping working hours in industrial relations does not merely pertain to the regulation of working time, but directly influences workers' health conditions. Rapid and erratic changes in work schedules can disrupt the circadian rhythm, which is the body's biological system that regulates sleep patterns, metabolism, and other physiological functions (Coleman, 1995). Disruptions to this biological rhythm potentially cause Shift Work Disorder (SWD), including insomnia, prolonged fatigue, and decreased concentration due to the impairment of the body's recovery process (Khusna et al., 2023). Ultimately, these impacts also affect the psychological condition of workers, manifesting as increased job stress, anxiety, and mental fatigue resulting from an imbalance between working hours and rest periods (Azizah, 2009).

Health disorders caused by shift jumping working hours impact not only workers' mental states but also present serious physical health risks. A lack of recovery time forces the body into a state of continuous fatigue, thereby increasing the risk of cardiovascular

disorders such as hypertension and heart disease (Ferri et al., 2016). Female workers are particularly vulnerable to these risks, as alterations in work rhythms can disrupt reproductive hormone balances, leading to menstrual cycle disorders, reduced fertility, and elevated risks during pregnancy (Martiana & Suryadi, 2019). These diverse impacts demonstrate that the regulation of shift work systems cannot be viewed merely as a technical operational matter for companies, but is inherently tied to the protection of worker safety and health.

The health consequences of such disproportionate work systems have been observed in various field practices across Indonesia. One example is found in the Weda Bay Nickel Industrial Zone, which implements a two-shift work system with durations reaching 12 hours per day or 60 hours per week. This work system is executed without adequate recovery time for employees. Consequently, this condition has led to a surge in serious cases of occupational fatigue, including incidents of sudden death due to cardiac arrest as well as mental health disorders among workers (Satari, 2026). This underscores that implementing work systems that disregard worker recovery time can yield hazardous consequences for occupational health and safety. Similar issues are identified in the logistics and transportation sectors, which demand high levels of alertness throughout operational hours. A study on heavy equipment operators at the Surabaya Container Terminal revealed that night-shift workers experienced high levels of fatigue and sleepiness due to disrupted sleep patterns. This condition caused a decline in concentration and alertness while performing tasks. The study also demonstrated a correlation between occupational fatigue in night-shift workers and an increased risk of workplace accidents (Saraswati & Paskarini, 2018). This research illustrates that applying shift work systems without considering workers' biological conditions jeopardizes occupational safety, particularly in high-risk sectors.

These empirical facts indicate that legal protection for shift workers in Indonesia remains suboptimal. Current regulations regarding shift work systems within Indonesian labor law are still general, as they are conventionally categorized under general working hours and rest periods. Law Number 6 of 2023 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, along with its implementing regulations, has not specifically regulated the mechanisms of the shift work system, including shift rotations, maximum shift changes, or minimum rest intervals between shifts.

The absence of such regulations grants companies extensive flexibility to alter work schedules according to operational needs, as implicitly stated in Article 77 paragraph (4) of Law Number 6 of 2023, which reads: "The implementation of working hours for Workers/Laborers in a Company shall be regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement." This is further reinforced by Article 79 paragraph (5) of Law Number 6 of 2023, which states: "In addition to the rest periods and leave as referred to in paragraph (1), paragraph (2), and paragraph (3), certain Companies may grant long rest periods regulated in the Employment Agreement, Company Regulations, or Collective Labor Agreement." These two articles demonstrate that technical regulations regarding working hours and rest times within shift work systems are relegated to internal company policies. Consequently, work flexibility for shift workers is equated with non-shift workers. Companies overlook the fact that shift workers bear health risks and biological burdens with characteristics vastly different from those of non-shift workers (Nasrul, 2022).

This identical regulatory treatment reveals that labor law in Indonesia has not fully accounted for the biological and psychological impacts endured by shift workers. Night workers experiencing circadian rhythm disruptions remain subject to the same working hour regulations as day workers. In fact, the recovery time required by night workers is significantly greater because their bodies are compelled to function during hours biologically designated for rest (Nilamsari, 2020). As a result, the fulfillment of rest rights

and working hour limitations regulated under general frameworks fail to provide optimal protection against the health risks of shift workers.

The lack of specific regulations regarding shift work system mechanisms indicates a legal vacuum within Indonesian labor law. Article 77 paragraph (2) of Law Number 6 of 2023 merely sets the maximum working hours for workers in Indonesia under two schemes: a maximum of 8 hours per day for a 5-day work week, or a maximum of 7 hours per day for a 6-day work week, with both capping weekly hours at 40. Furthermore, Article 79 paragraph (2) of Law Number 6 of 2023 only provides limitations regarding rest intervals between working hours and weekly rest. These two paragraphs demonstrate that no rules currently restrict the internal mechanisms of shift work systems.

Presently, the implementation of shift work systems in Indonesia still conforms to standard working hours and rest period frameworks, which are insufficient to offer robust legal protection for shift workers. In comparison, Turkey's labor legislation explicitly provides legal protection to safeguard shift workers' health through Article 69 of Turkish Labor Law No. 4857, which strictly mandates shift rotations at least once every two weeks and stipulates a minimum consecutive rest period of 11 hours for workers transitioning between shifts.

This issue underscores the critical importance of formulating more specific legal regulations regarding the execution of shift work mechanisms in Indonesia. Such regulations are necessary to establish clear boundaries concerning shift rotation periods, minimum rest intervals between shifts, and health protections for shift workers. The Theory of Legal Protection postulated by Satjipto Rahardjo explains that law must be capable of providing protection to society, particularly to parties in weaker positions (Rahardjo, 2014). Therefore, the state must intervene through stricter legal frameworks so that workers are protected from working practices that potentially jeopardize their health and safety.

The necessity for targeted legal regulations on shift work systems becomes increasingly urgent, given that the resulting impacts affect not only labor productivity but also worker safety and health. Current legal provisions, which remain general and fail to detail shift work execution mechanisms, indicate that legal protection for shift workers in Indonesia is not yet optimal. If left unaddressed, shift jumping practices will likely proliferate, yielding broader adverse effects on both worker health and industrial relations as a whole.

CONCLUSION

Indonesia and Turkey both adhere to a civil law system that places legislation as the primary basis for regulating employment. However, the two countries have significant differences in their regulation of the shift work system. Indonesian labor law, through Article 77 of Law Number 6 of 2023 and Article 79 of Law Number 6 of 2023, still focuses on general regulation of working time and rest time without specifically regulating the mechanism of the shift work system, including shift rotation, the maximum limit on shift changes, or the minimum rest interval between shifts. The absence of this regulation shows a legal vacuum in Indonesian labor law, giving companies discretion in determining changes to workers' work schedules according to the company's operational needs. This condition ultimately opens up the opportunity for the practice of shift jumping, which has the potential to endanger workers' health and safety. In contrast to Indonesia, Turkey, through Article 69 of the Turkish Labour Law No. 4857, has regulated the mechanism of the shift work system in more detail by regulating periodic shift rotation of at most 2 weeks, and establishing a minimum rest time of 11 consecutive hours before a worker enters the next shift. This difference shows that legal regulation in Turkey has provided clearer protection for shift workers, while Indonesian labor law still leaves a legal vacuum in the regulation of the shift work mechanism and protection against the practice of shift jumping.

The implementation of shift jumping working hours in industrial relations in Indonesia causes serious impacts on workers' health due to disruption of the body's circadian rhythm. Rapid and irregular changes to the work schedule cause the body to experience a mismatch in biological rhythm as well as disruption of the production of the melatonin hormone, which plays a role in regulating

sleep time. This condition has the potential to cause insomnia, decreased concentration and cognitive function, and even an increased risk of cardiovascular disease and workplace accidents. However, this high health and safety risk has not been balanced by adequate legal regulation in Indonesia. Indonesian labor law is currently still general in nature and has not regulated in detail the mechanism for implementing shift work, such as the shift rotation limit, restrictions on night work, or the minimum rest interval between shifts. This condition shows a legal vacuum in the protection of shift workers in Indonesia. Based on the Theory of Legal Protection by Satjipto Rahardjo, the state should be present to provide protection to workers as the party in a weaker position in industrial relations. Therefore, more specific legal regulation is needed to limit the practice of shift jumping so that the protection of workers' health and safety can be optimally guaranteed.

ADVICE

For lawmakers: The legislative body, together with the government, needs to promptly address the legal vacuum in the regulation of the shift work system in order to provide legal certainty for shift workers by creating implementing regulations through the National Legislation Program (Prolegnas) for Government Regulations to revise Government Regulation No. 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Time and Rest Time, and Termination of Employment, with a formulation of regulation regarding the mechanism of the shift work system, covering the division of the 24-hour working period into a minimum of 3 patterns, rest breaks between shifts, the shift rotation period, and the specific conditions under which the practice of shift jumping is permitted.

For employers: in creating work schedules for their workers, employers should not only look at it from the company's operational side; employers also need to take into account workers' biological clocks and must not violate the principles of labor law or Occupational Safety and Health (K3) standards, in order to prevent extreme fatigue and workplace accidents resulting from the practice of shift jumping.

For workers: workers need to increase their legal awareness of the importance of their normative rights and their health within a fair industrial relationship.

BIBLIOGRAPHY

Books:

- Ansary, T., & Wallace, D. (2011). *Introduction to Turkish Law*. Kluwer Law International.
- Asshiddiqie, J. (2014). *Perihal Undang-Undang*. Rajawali Pers.
- Chalik, R. (2016). *Anatomi Fisiologi Manusia* (cetakan pe). Kementerian Kesehatan RI.
- Coleman, R. M. (1995). *The Twenty-Four Hour Business: Maximizing Productivity Through Round-the-Clock Operations*. American Management Association.
- Dessler, G. (2020). *Human Resource Management* (16th ed.). Pearson.
- Rahardji, S. (2014). *Ilmu Hukum* (Cetakan 8). PT. Citra Aditya Bakti.
- Sondak, M. R., Dewi, I. C., & Rahmah, L. (2025). *Manajemen Operasional Food & Beverages* (Andriyanto (ed.); Edisi pert). Lakeisha.
- Toksoz, G. (2009). *Emerging Patterns of Work and Turkish Labour Market Challenges under Globalization* (vol: 64). Kluwer Law International.
- Zweigert, K., & Kotz, H. (1998). *An Introduction To Comparative Law*. Oxford University Press.

Journals:

- Akbar, M. N., & Irawati, F. E. (2023). Pengaruh Penerapan Shift Kerja Terhadap Motivasi Kerja dan Produktivitas Kinerja pada Karyawan. *Jurnal Bisnis Digital Dan Sistem Informasi*, 4(2), 35–40.
- Azizah, M. Z. (2009). *Keseimbangan Kehidupan Kerja: Dalam Perspektif Produktivitas Kerja Modern*.
- Azhar, I. (2018). Manajemen Hakim (Studi Perbandingan Indonesia Dengan Turki). *Mulawarman Law Review*, 3(32), 48–65. <https://doi.org/10.30872/mulrev.v3i1.33>
- Darmawan, D., Siboro, I., & Ramdan, M. (2025). Analisis Pengaruh Shift Kerja Terhadap Kelelahan Pekerja KFC di MT Haryono Balikpapan. *Jurnal Keselamatan, Kesehatan Kerja Dan Lingkungan*, 11(2), 350–357.
- Djaya, W. H., Multazam, A., & Andyanie, E. (2025). Faktor yang Berpengaruh Terhadap Kesehatan Reproduksi pada Pekerja Wanita di PT. Maruki International Indonesia. *Window of Public Health Journal*, 6(3), 567–578.
- Ferri, P., Guadi, M., Marcheselli, L., Balduzzi, S., Magnani, D., & Di Lorenzo, R. (2016). The Impact Of Shift Work On The Psychological And Physical Health Of Nurses In A General Hospital: A Comparison Between Rotating Nights Shifts And Day Shifts. *Risk Management and Healthcare Policy*, 9, 203–211. <https://doi.org/10.2147/RMHP.S115326>
- Khusna, N. A., Rupiwardani, R., & Yohanani, F. (2023). Hubungan Shift Kerja dengan Gangguan Tidur pada Perawat di Rumah Sakit Umum Daerah Dr. Soegiri Lamongan. *Jurnal Keperawatan*, 14(1), 22–29.
- Kusumawati, M. P. (2024). Perlindungan Hukum Terhadap Hak Upah Lembur Pekerja/Buruh. *Jurnal Ilmiah Penegakan Hukum*, 12(1).

- Limoncuoglu, S. A., & Tasoglu, J. (2010). Flexicurity In Turkish Labour Law and Security Law. *International Journal of Business and Management Studies*, 2(2).
- Moreira, A. S., & de Lucca, S. R. (2024). Physical and Mental Atigue In Shift Work and Mitigation Strategies: An Integrative Review. *Revista Brasileira de Medicina Do Trabalho*, 22(4), 1–11. <https://doi.org/10.47626/1679-4435-2024-1267>
- Oktaviana, R., & Hendra, H. (2022). Analisis Stres Kerja Pada Pengemudi Truk Pengantar Produk Pt XYZ Tahun 2022. *National Journal of Occupational Health and Safety*, 3(2). <https://doi.org/10.59230/njohs.v3i2.6346>
- Pratama, F. S. (2019). Fenomena Rechtsvacuum Dalam Peraturan Pemerintah Republik Indonesia Nomor 51 Tahun 2020 Terait Masa Perpanjang Paspor Menjadi 10 Tahun. *Journal of Law and Border Protection*, 1(1), 51–58.
- Saraswati, A. W., & Paskarini, I. (2018). Hubungan Gangguan Tidur Pada Pekerja Shift Dengan Kejadian Kecelakaan Kerja di Terminal Petikemas. *The Indonesian Journal of Occupational Safety and Health*, 7(1), 72–80.
- Sari, C. P., Sulistyorini, A., Marji, M., Fanani, E., & Tama, T. D. (2025). Hubungan Repetitive Motion , Beban Kerja , Shift Kerja , dan Kualitas Tidur dengan Kelelahan Kerja pada Petugas Aviation Security. *National Journal of Occupational Health and Safety*, 6(1), 29–4. <https://doi.org/10.7454/njohs.v6i1.1082>
- Sriwijaya, S. B., Felycia, & Haifan, M. (2026). Dampak Kerja Shift terhadap Kesehatan Mental dan Kelelahan Pekerja Manufaktur: Tinjauan Pustaka Sistematis. *JEMSI: Jurnal Ekonomi Manajemen Sistem Informasi*, 7(4), 3835–3844.
- Syafar, S., & Fiatno, A. (2018). Pengaruh Shift Kerja Terhadap Kelelahan Pekerja Pabrik Sawit Di PTPN V Sei Galuh. *Jurnal Teknik Industri Terintegrasi*, 1(2), 88–97. <https://doi.org/10.31004/jutin.v1i2.323>
- Unal, L., & Aslam, K. (2020). Sleep Disorders in a Shift Worker Population Sample in Turkey. *Neurological Sciences and Neurophysiology*, 37, 183–189. <https://doi.org/10.4103/NSN.NSN>
- Wardhana, D. K., & Tejamaya, M. (2024). Tinjauan Literatur : Dampak Kelelahan Kerja pada Kinerja dan Kesehatan Pekerja di Industri Pertambangan. *Jurnal Sehat Indonesia (JUSINDO)*, 6(2), 810–821. <https://doi.org/https://doi.org/10.59141/jsi.v6i02.148>
- Xi, J., Ma, W., Tao, Y., Zhang, X., Liu, L., & Wang, H. (2025). Association between night shift work and cardiovascular disease : a systematic review and dose-response meta-analysis. *Frontiers in Public Health*, 13. <https://doi.org/10.3389/fpubh.2025.1668848>
- Zahra, F. A., Wolor, C. W., & Utari, E. D. (2025). Analisis Dampak Work Shift Rotasi Terhadap Work Life Balance Karyawan Perusahaan X. *JiIC: Jurnal Intelek Insan Cendikia*, 2(5), 9478–9485.

Theses:

- Setiawan, I. (2023). *Pengaruh Kerja Lembur dan Lingkungan Kerja Terhadap Kinerja Karyawan PT Hasakona Binacipta*. Yayasan Pendidikan Keuangan dan Perbankan Bandung.
- Ulandari. (2026). *Pengaruh Sistem Kerja Shift dan Kesehatan Kerja Terhadap Produktivitas Karyawan di PT. PLN (Persero) Unit Layanan Pelanggan (ULP) Kota Sorong*. Universitas Islam Negeri Palopo.

Reports:

- American Academy of Sleep Medicine. (2022). *Circadian Adaptation to Shift Work*.
<https://aasm.org/wp-content/uploads/2022/07/ProviderFS-ShiftWork.pdf>
- Harrington, J. M. (2001). *Health Effects of Shift Work and Extended Hours*.
- ILO. (2022). *Working Time and Work-Life Balance Around the World*.
- Ma, M., & Morisson, E. (2023). *Neuroanatomy, Nucleus Suprachiasmatic*.
<https://www.ncbi.nlm.nih.gov/books/NBK546664/?report=printable>
- Qibthiyyah, R. M. (2021). *Labour Market Brief*.
- Saturi, S. (2026). *Laporan Sebut Fenomena Bunuh Diri sampai Mati Mendadak Buruh di Kawasan Nikel Teluk Weda*. Mongabay.Co.Id.

Websites:

- Asutay. (2020). *Günlük Çalışma Süresinin 11 Saati Aşması Yasak Çalışma Kapsamında İşçiye Haklı Fesih İmkani Tanır*. Asutay Droit & Mediation. <https://asutay.av.tr/FR/h/29/gunluk-calisma-suresinin-11-saati-asmasi-yasak-calisma-kapsaminda-isciye-hakli-fesih-imkani-tanir>.
- Auli, R. C. (2023). *Aturan Waktu Kerja Shift*. Hukumonline.
<https://www.hukumonline.com/klinik/a/aturan-waktu-kerja-ishift-i-lt4e1e916f29201/>
- Cakrawala. (2021). *Waktu Istirahat: Hak Tenaga Kerja yang Sering Diabaikan*. Unairnews.
<https://unair.ac.id/waktu-istirahat-hak-tenaga-kerja-yang-sering-diabaikan/>
- halodoc. (2026). *Jumping Kerja: Pahami Artinya, Hindari Dampak Buruk*. Halodoc.
https://www.halodoc.com/artikel/jumping-kerja-pahami-artinya-hindari-dampak-buruk?srsId=AfmBOornH6Uu82J_XfXTWCFztYvjE5zmuLm9FgarL0y8dj7QnQyryyA0
- Kimal. (2025). *Risiko Hukum Akibat Pelanggaran K3: Denda, Pidana, dan Penutupan Usaha*. Citra Global Consulting. <https://citraglobalconsulting.com/risiko-hukum-akibat-pelanggaran-k3-denda-pidana-dan-penutupan-usaha/>
- Martiana, T., & Suryadi, F. (2019). *Shift Kerja dan Pekerja Wanita, Adakah Pengaruhnya Terhadap Kesehatan Pekerja Wanita?* Unair.Ac.Id. <https://unair.ac.id/shift-kerja-dan-pekerja-wanita-adakah-pengaruhnya-terhadap-kesehatan-pekerja-wanita/>
- Nasrul, N. W. (2022). *Bekerja Gilir dan Risiko Gangguan Kesehatan*. Keslan.Kemkes.Go.Id.
https://keslan.kemkes.go.id/view_artikel/1218/bekerja-gilir-dan-risiko-gangguan-kesehatan

- Nilamsari, N. (2020). *Pekerja Shift Ternyata Memiliki Prevalensi Kejadian Hipertensi Dua Kali Lebih Tinggi daripada Pekerja Non-Shift di PT X Gresik*. News.Unair.Ac.Id. <https://news.unair.ac.id/2020/03/27/pekerja-shift-ternyata-memiliki-prevalensi-kejadian-hipertensi-dua-kali-lebih-tinggi-daripada-pekerja-non-shift-di-pt-x-gresik/>
- Solution, S. S. (2026). *10 Tantangan Shift Kerja, dan Cara Perusahaan Mengelolanya*. Sakurasystem.Co.Id. <https://www.sakura-system.co.id/blog/10-tantangan-shift-kerja-dan-cara-perusahaan-mengelolanya>
- swabina.id. (2026). *5 Cara Mengatur Shift Kerja Karyawan Sesuai Aturan Ketenagakerjaan Indonesia*. Swabina.Id. <https://swabina.id/cara-mngeatur-shift-kerja-karyawan/>
- Team, A. (2023). *How Long Does it Take to Adjust Your Body Clock?* Goayo.Com.