

The Rights-Based Labor Law: A Comparison of Indonesian and Nepal Policies

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Abstract

Human rights serve as a crucial foundation in labor policies to protect workers' rights. However, both Indonesia and Nepal face significant challenges in their implementation, such as rights violations in the informal and formal sectors in Indonesia, and the risk of exploitation of Nepali migrant workers, exacerbated by the pandemic, weak oversight, and a lack of social protection. This study aims to analyze the differences in the implementation of human rights-based labor laws in Indonesia and Nepal and to identify the factors influencing the success or challenges of their enforcement. The study employs a normative legal method with statute, comparative, conceptual, and historical approaches to analyze the integration of human rights principles into labor policies in Indonesia and Nepal. It relies on qualitative data from library research, including primary, secondary, and tertiary legal materials. This research offers a new contribution to the study of human rights-based labor law by comparing two developing Asian countries, Indonesia and Nepal, which have rarely been directly compared in the labor law literature. The findings reveal that the implementation of human rights-based labor laws in Indonesia and Nepal demonstrates a commitment to international principles through the ratification of ILO conventions. However, both countries face distinct challenges within their social, economic, and implementation capacities. Indonesia focuses on protecting minimum wages, social security, and regulating working hours but struggles with gender discrimination and issues in the informal workforce. Meanwhile, Nepal deals with caste discrimination, migrant worker protection, and inadequate social security schemes. Both countries encounter oversight challenges, but factors such as socio-economic context, pro-investment policies, and commitment to international standards influence the success and challenges of implementing human rights-based labor laws in these two nations.

Keywords: Comparative Law, Human Rights, Labor Law, Labor Policy. Migrant Workers.

A. INTRODUCTION

Human rights are universal values that are internationally recognized and are the basis for human relations in various aspects of life, including in the world of work (Dicky Eko Prasetyo, Muh. Ali Masnun, Arinto Nugroho, Denial Ikram, 2024). The principles of human rights emphasize the importance of respect for human dignity, equality, and justice, which must be implemented in every sector, including in employment policies (Sari et al., 2024). One dimension of human rights is related to the regulation of human rights in the realm of employment (Dhia Al Uyun, Edgar Buryahika, 2024). Work not only functions as a source of livelihood, but is also an integral part of the fundamental rights of individuals that must be protected by the state (Alfani & Sunarno, 2024). Therefore, human rights-based employment policies are an important instrument to ensure that workers' rights are respected, protected, and fulfilled (Dewi et al., 2022). In this context, Indonesia and Nepal, as developing countries with their own unique challenges, offer interesting perspectives to analyze how human rights are integrated into employment policies. Indonesia, as a country with a population of more than 270 million people, has a major challenge in managing a very diverse workforce. Based on data from the Central Statistics Agency (BPS), most workers in Indonesia work in the informal sector, which often lacks legal protection (Saputro, 2023).

Although the government has enacted a number of regulations, such as Law Number 13 of 2003 concerning Manpower, as well as various other policies related to social security and workers' rights, their implementation is often far from ideal. Many workers experience rights violations, such as inadequate wages, excessive working hours, or even lack of health protection (Nugroho, Arinto, Ronaboyd et al.,

2024). This situation shows that there is still a large gap between the existing legal framework and practices on the ground. On the other hand, Nepal faces challenges that are no less complex. As one of the countries with the lowest per capita income in South Asia, Nepal is heavily dependent on labor migration. Every year, millions of Nepalese workers migrate to other countries, such as Qatar, the United Arab Emirates, and Malaysia, in search of better job opportunities (Das, 2020). However, Nepalese migrant workers often face the risk of exploitation, inadequate working conditions, and even human rights violations, including human trafficking.

Although the Nepalese government has ratified various international conventions that support the protection of workers' rights, such as the ILO (International Labour Organization) Convention, the implementation of this policy at the national level still faces many obstacles, including corruption, lack of supervision, and low public awareness of workers' rights (Indradewi & Ginting, 2024). Comparatively, Indonesia and Nepal have different social and economic contexts, but face similar problems related to the protection of workers' rights. In Indonesia, the main focus of employment policy is on efforts to reduce unemployment and poverty alleviation, especially through labor-intensive programs and increasing access to education and job training (Kurniawan, Samsithawrati, et al., 2024). However, these efforts are often not accompanied by improvements in the quality of decent work. Many workers in the manufacturing, agricultural, and public service sectors face rights violations, ranging from gender discrimination, lack of access to social security, to unfair layoffs (Rai et al., 2019).

Meanwhile, Nepal focuses more on migrant workers as the backbone of its economy. Remittances from migrant workers contribute around 25% of Nepal's

GDP, making it one of the most remittance-dependent countries in the world. However, this raises various problems, such as the lack of legal protection for migrant workers abroad, limited access to information and training before departure, and the dependence of the domestic economy on unsustainable migration sectors (Bhattarai & Subedi, 2021). In the human rights framework, there are a number of key principles that must be applied in employment policies, namely the right to decent work, non-discrimination, freedom of association, protection of child labor, and the right to work in a safe and healthy environment (Frey & MacNaughton, 2016). In Indonesia, policies related to human rights and employment still face major challenges, especially in terms of supervision. The weak capacity of labor inspectors has caused many companies to ignore applicable legal provisions, such as minimum wage payments, social security, and protection for women and child workers (Alfani & Sunarno, 2024).

Nepal also faces similar obstacles, especially in managing migrant workers spread across various countries. In many cases, Nepalese migrant workers do not receive fair employment contracts, face the risk of physical and psychological violence, and do not have access to justice if their rights are violated (Paudyal et al., 2023). This shows that human rights-based employment policies still need to be strengthened both at the national and international levels. Global issues such as globalization, technological developments, and the impact of the COVID-19 pandemic have also affected employment conditions in Indonesia and Nepal. In Indonesia, the pandemic has caused a significant increase in the number of unemployed and informal workers, while workers in the formal sector have faced reduced wages and working hours (Handoyo et al., 2020). On the other hand, Nepal

is facing a large influx of migrant workers returning to their home countries due to losing their jobs abroad. The absence of an adequate social protection system puts these workers in a very vulnerable condition (Das, 2020). In this context, it is important to evaluate the extent to which employment policies in both countries are able to integrate human rights principles in their regulations and implementation.

In addition, this comparison can also provide important lessons on best practices that can be adopted by both countries to improve protection of workers' rights. For example, Indonesia can learn from Nepal's efforts in empowering migrant worker communities through training and legal support, while Nepal can learn from Indonesia in developing a more inclusive social security system. From an academic perspective, this study is expected to make a significant contribution to the literature on employment law, especially in the context of developing countries. Meanwhile, from a practical perspective, the results of this study can be recommendations for policymakers to adopt a more inclusive, human rights-based, and worker-oriented approach. Thus, this study is not only relevant to understanding current employment conditions but also has broad implications for sustainable social and economic development. Against this backdrop, this study is expected to provide new insights into the relationship between labor law and human rights in Indonesia and Nepal. An in-depth and comprehensive analysis of the two countries will not only reveal differences and similarities in policies but also offer practical solutions to improve the protection of workers' rights at the national and international levels.

The study of human rights-based labor law has become a topic of interest to many researchers, especially in the context of developing countries such as Indonesia and Nepal. Similar studies that examine aspects of labor law related to the

development of labor law arrangements in the perspective of human rights are conducted by Eneh, et. al. (2024) which in its research findings confirms that in modern labor law, comprehensive arrangements are needed to guarantee human rights, especially managerial arrangements that guarantee legal certainty and benefits for employers and workers (Nkechi Emmanuella Eneh et al., 2024b). Another study conducted by Rakhimov (2024) asserts that in accommodating the times, the principles of employment law should continue to be contextualized considering that there are various employment law relationships that have developed in the era of disruption (Rakhimov, 2024). In connection with the development of labor law arrangements in developing countries, research from Aqilah et. al. (2025) that technological developments, especially with the existence of artificial intelligence technology, require re-regulation of labor law that guarantees aspects of human rights (Ahmad et al., 2025). From the three previous studies above, this research can be said to be original research because it has a novelty that is different from the three previous studies.

Therefore, the study entitled "Human Rights-Based Employment Law: Comparison of Indonesian and Nepalese Policies" offers a new contribution by conducting a comparative analysis between two countries that have different employment challenges and dynamics. This study will not only fill the gap in the existing literature, but also provide practical insights for policy makers in both countries to improve the protection of workers' rights in accordance with human rights principles. The formulation of the problem in this study is as follows: (i) how are human rights-based employment laws different in Indonesia and Nepal? And (ii) what are the factors that influence the success or challenges in implementing human

rights-based employment laws in Indonesia and Nepal? .

Thus, the novelty of this study lies in the comparative approach used to analyze the implementation of human rights-based employment laws in Indonesia and Nepal. This approach is expected to reveal best practices that can be adapted by both countries and provide recommendations for more effective and equitable policies in protecting workers' rights. This study uses a normative legal research method that focuses on the study of legal norms contained in laws and regulations, doctrines, and legal principles (Marzuki, 2017).

This method was chosen because the study aims to analyze how labor laws in Indonesia and Nepal integrate human rights principles into national policies. Normative legal research allows researchers to evaluate applicable legal regulations and compare the implementation of human rights-based labor policies in both countries. In addition, this method is also useful for understanding the conformity of national policies with international human rights standards.

In this normative legal research, several approaches are used to provide a more comprehensive analysis. The statute approach is used to examine labor laws in Indonesia and Nepal, such as Law Number 13 of 2003 concerning Manpower in Indonesia and the Labor Act 2017 in Nepal. This approach aims to understand the content and purpose of regulations in guaranteeing workers' rights. In addition, a comparative approach is used to compare labor policies in both countries, with the aim of identifying advantages, disadvantages, and best practices that can be applied. A conceptual approach is also used to analyze basic concepts related to human rights and labor law, such as the right to decent work, freedom of association, and protection from discrimination. In addition, a historical approach helps to understand

the development of labor regulations in both countries, including the social, political, and economic contexts that influence the formation of these policies. These approaches complement each other to provide a deep understanding of the integration of human rights into labor law in Indonesia and Nepal. This study uses three types of legal sources.(Muhaimin, 2020)

Primary legal materials include laws and regulations in force in Indonesia and Nepal, such as labor laws, ratified ILO conventions, and other relevant international agreements. Secondary legal materials include literature, scientific journals, textbooks, and previous research results that discuss the relationship between human rights and employment. This source is used to understand the views of legal experts and provide additional context for regulatory analysis. Tertiary legal materials, such as legal dictionaries and encyclopedias, are used to support the explanation of relevant legal concepts. The data in this study were collected through library research, which involved reviewing various legal documents, academic literature, and other reliable sources. Researchers analyzed laws and regulations in Indonesia and Nepal, international documents such as ILO conventions, and reports related to the implementation of employment policies in both countries. In addition, the literature used includes books and articles that discuss employment issues, human rights, and international regulations.

Data collected through this method will be the basis for conducting in-depth comparisons and analyses of policies in both countries. The collected data were analyzed using qualitative methods (J. Moleong, 2017). The first step is to identify and classify data based on relevance and type, such as primary, secondary, or tertiary legal materials. Furthermore, interpretations of legal norms are carried out to

understand the extent to which human rights principles are implemented in employment policies in Indonesia and Nepal. After that, relevant data are compared to identify similarities, differences, and best practices that can be adapted by both countries. The results of the analysis are then used to draw conclusions that provide an overview of the advantages and disadvantages of employment policies in each country. In addition, this analysis also aims to provide recommendations that can help policy makers strengthen the integration of human rights principles in employment regulations. With systematic analysis techniques, this study is expected to provide academic and practical contributions in understanding the relationship between employment law and human rights in Indonesia and Nepal.

B. RESULT AND DISCUSSION

1. The Differences in the Implementation of Human Rights-Based Employment Laws in Indonesia and Nepal

Labor law plays a fundamental role in protecting workers' rights, which are essentially an integral part of human rights (Nkechi Emmanuella Eneh et al., 2024a). Recognition of workers' rights as human rights is reflected in various international instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Labor Organization (ILO) Conventions. Both documents affirm that every individual has the right to decent work, a safe working environment, and fair treatment without discrimination (McCrudden, 2008). However, the implementation of these principles in national legal systems is often influenced by the unique social, political, and economic dynamics of each country. Indonesia and Nepal, two developing countries with similar labor challenges, offer an interesting comparative study of the implementation of human rights-based labor laws. As countries with

large labor populations, both face important issues such as minimum wages, protection of migrant workers, and law enforcement against labor rights violations. Although both are bound by global commitments through the ratification of ILO conventions, the policy approaches taken show significant differences that can provide important insights into understanding the relationship between labor law and respect for human rights (Shivakoti et al., 2021).

In Indonesia, labor law has been formally regulated through various laws such as Law Number 13 of 2003 concerning Manpower and the Job Creation Law which contain significant changes in labor policies (Khair, 2021). Meanwhile, Nepal, which is also a country with many migrant workers, faces major challenges in addressing labor exploitation in both domestic and international sectors. The country has taken progressive steps, such as issuing the 2017 Manpower Law, but is still constrained in terms of implementation due to weak legal infrastructure and supervisory capacity (Das, 2020).

Employment law is an integral part of efforts to protect workers' rights, which are fundamental human rights (Zia-ud-Din Malik, Hamid Mukhtar, 2021). Indonesia and Nepal, as developing countries with significant economic and social challenges, have similarities in fighting for human rights-based labor standards (Nugroho, Arinto, Ronaboyd et al., 2024). However, both also have fundamental differences that are reflected in the legal framework, implementation, and philosophy behind their labor regulations. The commitment of both countries to international principles is very clear through the ratification of a number of International Labor Organization (ILO) conventions. In Indonesia, relevant conventions such as ILO Convention No. 87 on Freedom of Association were ratified through Law No. 21 of

2000, while ILO Convention No. 98 on the Right to Organize and Collective Bargaining was ratified through Law No. 18 of 1956. Nepal also demonstrated its commitment to international standards by ratifying the same convention.(Mulyanto, 2018) This shows that both countries have a legal basis that is in line with international human rights principles in providing protection to workers.

However, the application of labor laws in Indonesia and Nepal differs due to the influence of their respective historical, social, and cultural contexts. Indonesia, with its vast cultural and geographical diversity, faces challenges in implementing uniform laws across the region (Shoesmith et al., 2020). In contrast, Nepal, as a small country with an economy that relies heavily on migrant labor, faces unique challenges in protecting workers at home and abroad (Das, 2020). The following is a comparative table of the implementation of Human Rights-based labor laws between Indonesia and Nepal.

Table 1. Comparison of Labor Law Arrangements between Indonesia and Nepal

Aspect	Indonesia	Nepal
Main Legal Framework	Law Number 13 of 2003 concerning Manpower, Law Number 11 of 2020 concerning Job Creation	Labour Act 2017
Policy Focus	<ul style="list-style-type: none">• Regulation of minimum wages, working hours, and social security.• Protection of formal and informal sector workers	<ul style="list-style-type: none">• Protection of migrant workers• Prohibition of caste and gender-based discrimination.• Guarantee of a safe working environment.
Social Security	Has a social security scheme	Does not have a

	(BPJS Ketenagakerjaan).	comprehensive social security scheme for informal workers.
Discrimination	<ul style="list-style-type: none"> Gender discrimination is still a significant issue, especially in the formal sector. Protection of female workers is limited. 	Caste and gender-based discrimination is a major challenge, especially for Dalit groups.
Employment Philosophy	Based on Pancasila, emphasizing social justice and shared welfare.	Based on universal human rights, focusing on social justice and post-conflict recovery.
Dominant Sector	High number of workers in the informal sector (more than 60% of the workforce).	The informal sector covers around 80% of the workforce, with a large focus on migrant workers.
Legal Supervision	<ul style="list-style-type: none"> Weak supervisory capacity, especially in remote areas. There are still many violations related to working hours and wages. 	Minimal resources and supervisory capacity for workers in the informal sector.
Migrant Worker Issues	Regulated in Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Still facing the risk of exploitation.	Regulated in the Foreign Employment Act 2007. Migrant workers face exploitation abroad.
International Commitments	Ratify ILO conventions such as Conventions No. 87 and 98.	Ratify the same ILO conventions, such as Conventions No. 87 and 98.

(Source: Author's Analysis)

In Indonesia, the legal basis for employment is centered on Law Number 13 of 2003 concerning Employment, which was later updated through Law Number 11 of 2020 concerning Job Creation (Efendi & Disantara, 2022). Both laws provide extensive protection for workers, including the regulation of minimum wages, working hours, social security, and the right to organize. Article 88 of Law No. 13 of 2003, for example, requires the government to set a minimum wage based on decent living needs. In addition, Article 77 regulates maximum working hours to protect workers from exploitation (Sarhini, 2024). Nepal, on the other hand, uses the Labor Act 2017 as the main legal instrument governing workers' rights. This law includes similar provisions, such as protection against discrimination (Article 6), prohibition of forced labor (Article 20), and regulation of working hours (Article 28). However, Nepal does not yet have a comprehensive social security scheme like Indonesia's through BPJS Ketenagakerjaan. As a result, informal workers in Nepal, who are significant in number, often do not receive adequate protection (Hartati, 2023).

Both Indonesia and Nepal prohibit discrimination in the workplace based on gender, religion, or ethnicity. In Indonesia, Article 6 of the Manpower Law explicitly states that every worker has the same rights without discrimination. This is reinforced by Article 27 of the 1945 Constitution, which guarantees equality before the law (Pakpahan, 2024). In Nepal, Article 6 of the Labor Act 2017 regulates similar matters, emphasizing that all workers must be treated equally without discrimination in employment, wages, or promotion (Jim Hidayah Wahid & Eka Saputra, 2023).

However, implementation in the field shows differences. In Indonesia, gender-based discrimination remains a problem, especially in the formal sector where women often face barriers to advancing to managerial positions (Rahmah et al.,

2023). Meanwhile, in Nepal, caste and gender-based discrimination are major challenges, especially in the informal sector. Nepal's persistent caste system often serves as a barrier for Dalits to secure decent employment (Atreya et al., 2023). The philosophy behind Indonesia's labor law is heavily influenced by Pancasila, which emphasizes social justice and common welfare (Prasetio, 2023). This principle is reflected in various labor policies, such as the setting of minimum wages and the provision of social security (Safitri & Santoso, 2022). On the other hand, Nepal, which has recently transitioned from a monarchy to a democracy, has adopted a more universal human rights-based approach. This philosophy was driven by the need to improve working conditions after a prolonged internal conflict (Iyer, 2019).

From a sociological perspective, the differences are also clear. Indonesia faces major challenges in addressing the issue of informal employment, which accounts for more than 60% of the workforce. Informal workers often lack access to social security and legal protection (Hamid & Intan, 2024). In Nepal, labor migration is a major issue, with millions of Nepalese workers working in countries such as Malaysia, Qatar, and Saudi Arabia. Although Nepal has ratified the UN Convention on the Protection of the Rights of Migrant Workers, its implementation remains weak, especially in ensuring the safety of workers abroad (Das, 2020).

Foreign investment policy also plays an important role in determining the quality of labor laws. In Indonesia, this policy is regulated in Law No. 25 of 2007 concerning Investment, which provides incentives for foreign investors on the condition that they comply with labor standards. Article 12 of this law, for example, stipulates that investment must pay attention to the balance between economic benefits and worker protection (Fahrurrahman, 2024). Nepal has a similar policy

regulated in the Foreign Investment and Technology Transfer Act 2019. This law aims to attract foreign investment while ensuring protection for local workers. However, in both countries, the main challenge is ensuring that foreign companies comply with local labor standards (Wadu et al., 2024). Although both countries have strong legal frameworks, their implementation on the ground is often inconsistent. In Indonesia, monitoring of labor violations remains weak, especially in remote areas and border areas. Many workers in the informal sector are not registered with the social security system, which should be mandatory (Kurniawan et al., 2023). In Nepal, monitoring is also a challenge, mainly due to the government's lack of resources and capacity to monitor the large informal sector (Zhang et al., 2024).

Indonesia and Nepal have taken important steps to incorporate human rights principles into their labor laws. However, differences in philosophy, social context, and implementation capacity mean that each country faces unique challenges. Indonesia needs to strengthen monitoring of the informal sector and expand social security coverage to cover all workers. Nepal, on the other hand, should focus on developing an integrated social security scheme and better protecting migrant workers. Cooperation between the two countries can be an effective solution. Sharing experiences in addressing labor challenges, especially in the context of globalization, can help improve working conditions in both countries. Thus, the main objective of human rights-based employment law, namely protecting human dignity in the workplace, can be achieved.

2. The Factors in the Implementation of Human Rights-Based Employment Laws in Indonesia and Nepal

Employment law is an important part of the legal system that aims to protect workers' rights while ensuring fair industrial relations between workers and employers (Amelia et al., 2023). In both Indonesia and Nepal, employment laws are designed to accommodate human rights principles, such as freedom of association, prohibition of discrimination, and protection against labor exploitation. However, their implementation faces complex challenges, both due to differences in social, economic, and cultural contexts in the two countries. This discussion will discuss the factors that influence the success and challenges of implementing employment law in Indonesia and Nepal, by looking at the differences, similarities, and legal philosophy and sociology that underlie the policies of each country. In Indonesia, the employment legal framework is regulated in several laws, especially Law No. 13 of 2003 concerning Employment. This law covers various aspects of protection for workers, such as working hours (Article 77), minimum wages (Article 88), and the right to associate and bargain collectively (Article 102).

However, the dynamics of employment law in Indonesia have undergone significant changes with the enactment of Law No. 11 of 2020 concerning Job Creation (Omnibus Law). This law aims to simplify regulations to increase foreign investment, but has drawn criticism because it is considered to weaken worker protection, especially in terms of outsourcing, regulation of fixed-term employment contracts (PKWT), and the determination of more flexible minimum wages. One of the main criticisms of the Omnibus Law is the tendency to prioritize employer interests over worker rights (Sinambela et al., 2023). Nepal, on the other hand,

regulates employment law through the Labor Act 2017, which focuses primarily on protecting workers in both the formal and informal sectors. This law includes provisions such as the obligation of employers to provide written employment agreements (Article 10), guarantees of annual leave, sick leave, and maternity leave (Article 18), and the prohibition of forced labor (Article 53). (Saputra et al., 2025) In addition to the Labor Act, Nepal has the 2015 Constitution of Nepal, which contains progressive provisions regarding workers' rights.

In Article 33(b), the constitution guarantees the right to decent work, while Article 43 provides special protection to vulnerable groups, such as women and children. (P. Shrestha, 2023) Nepal has also ratified several important conventions of the International Labour Organization (ILO), including Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination in Respect of Employment and Occupation. Comparatively, both countries have similarities in their commitment to protecting human rights through labor laws. Both Indonesia and Nepal have ratified several important ILO conventions that guarantee basic workers' rights, such as freedom of association and protection against discrimination. In addition, both countries also face similar challenges, such as the dominance of the informal sector in the economy and the high number of migrant workers at risk of exploitation. In Indonesia, more than 50% of the workforce is in the informal sector, while in Nepal, this figure reaches 80%. The dominance of the informal sector creates a large gap in legal protection, as many workers do not have formal contracts, making it difficult to claim their rights (Gacek, 2019).

However, there are fundamental differences in the philosophical and sociological approaches between the two countries. In Indonesia, the approach to

labor law tends to be pragmatic and oriented towards economic growth. This is reflected in policies such as the Omnibus Law, which emphasizes simplifying regulations to attract investment. This philosophy shows a priority on economic interests, although it often sacrifices workers' rights (Hamid & Hasbullah, 2022). Meanwhile, in Nepal, labor law is more influenced by the values of egalitarianism and social justice. Nepal's long history of caste-based discrimination and struggle for equality encourages the implementation of more inclusive policies oriented towards reducing inequality (Gurung, 2022). Legal sociology also influences the implementation of labor laws in both countries. In Indonesia, the relationship between workers, employers, and the government is often marked by tension. Trade unions have a major role in fighting for workers' rights, but often face obstacles in the form of pressure from employers or limited government policies (Kurniawan, Disantara, et al., 2024).

In contrast, in Nepal, caste and gender-based discrimination are major challenges in the implementation of labor laws. Marginalized groups, including women, Dalits, and indigenous communities, often face difficulties in accessing decent work or obtaining labor rights (Khatiwada et al., 2024). In addition to differences in legal philosophy and sociology, investment policies also show fundamental differences between Indonesia and Nepal. In Indonesia, investment policies are regulated through Law No. 25 of 2007 concerning Investment, which provides incentives for foreign investors, such as tax exemptions or ease of licensing. Article 3 of this law emphasizes that investment must encourage national economic development and create jobs (RS & Chuzaibi, 2019).

In contrast, in Nepal, investment policy is regulated through the Foreign Investment and Technology Transfer Act (FITTA) 2019, which emphasizes protecting local resources and developing domestic workforce capacity. FITTA includes provisions such as requiring foreign investors to partner with local entities in certain sectors (Svalerit & Irawan, 2021). The challenges in implementing labor laws in both countries are inseparable from the gap between regulation and practice. In Indonesia, weak supervision is one of the biggest obstacles. Although there are clear rules, such as in Article 78 of the Manpower Law which regulates the right to overtime, many companies do not comply with these rules due to the lack of supervision from labor inspectors (Safitri & Santoso, 2022). In Nepal, similar challenges arise in the informal sector, where workers often do not have formal employment agreements and therefore find it difficult to assert their rights, even though the Labour Act 2017 requires employers to provide written employment contracts (Gupta et al., 2022). In addition, gender-based discrimination and wage gaps are also major challenges.

In Indonesia, despite ratifying ILO Convention No. 100, data shows that women's wages are still lower than men's in many sectors. Something similar is happening in Nepal, where women, especially from minority groups, face barriers to getting decent jobs. This discrimination creates significant inequalities in the world of work (Pariyar & Lovett, 2016). Migrant worker issues are also a major concern in both countries. Both Indonesia and Nepal are migrant worker sending countries, especially to countries in the Middle East and Southeast Asia. Migrant workers often face exploitation, such as unpaid wages, poor working conditions, and harassment. In Indonesia, protection for migrant workers is regulated in Law No. 18 of 2017

concerning the Protection of Indonesian Migrant Workers, which guarantees the rights of migrant workers, including legal protection and access to financial services (Hadi Adha, 2023).

Meanwhile, in Nepal, migrant worker issues are regulated in the Foreign Employment Act 2007, which requires recruitment agencies to ensure that migrant workers' rights are protected (B. K. Shrestha & Sharma, 2024). However, the implementation of both laws still faces various obstacles, especially in supervision and law enforcement. Despite the challenges, there have been some notable successes. Both countries have demonstrated their commitment to international standards by ratifying important ILO conventions. In addition, social security programs such as BPJS Ketenagakerjaan in Indonesia and the Social Security Fund in Nepal provide additional protection for workers. The role of trade unions is also significant in fighting for workers' rights, although they often face pressure from certain parties. The success of the implementation of labor laws in Indonesia and Nepal depends on efforts to improve existing weaknesses.

Strengthening labor inspections, expanding the scope of the law to the informal sector, and empowering women and vulnerable groups are steps that need to be taken. In addition, regional cooperation with labor-receiving countries can help improve protection for migrant workers. In conclusion, labor laws in Indonesia and Nepal have a strong foundation in protecting human rights, but their implementation faces many challenges. Differences in the philosophy and sociology of law reflect the unique social and cultural contexts of each country. By correcting weaknesses in implementation and strengthening commitment to workers' rights, both countries can create fairer and more humane working conditions.

C. CONCLUSION

The implementation of human rights-based labor laws in Indonesia and Nepal share a common commitment to international principles through the ratification of ILO conventions, but differ in social, economic contexts, and implementation capacity. Indonesia, with legal bases such as Law No. 13 of 2003 and the Job Creation Law, focuses on minimum wage protection, social security, and working hour regulations, although it still faces challenges of gender-based discrimination and informal workers. Nepal, through the Labor Act 2017, also regulates workers' rights comprehensively, but is still weak in social security schemes and migrant worker protection, with caste-based discrimination being a major challenge. Indonesia's labor philosophy is rooted in Pancasila which emphasizes social justice, while Nepal adopts a universal human rights approach to improve post-conflict conditions. Both face obstacles to adequate supervision, but can share experiences to improve the implementation of labor laws and achieve more effective human rights protection. Factors that influence the success or challenges in the implementation of human rights-based labor laws in Indonesia and Nepal include the social, economic, cultural contexts, and institutional capacity.

In Indonesia, the main challenges are the high number of informal workers, weak labor supervision, gender discrimination, and the influence of pro-investment policies such as the Omnibus Law which are considered to weaken workers' rights. Nepal faces similar challenges, but with a greater emphasis on caste-based discrimination, reliance on migrant labor, and the lack of adequate social security schemes. In addition, the success of both countries is influenced by the commitment

to ratifying international standards, the role of trade unions, and efforts to bridge the gap between regulation and implementation on the ground. The adoption of more inclusive policies and effective supervision are key to addressing these challenges.

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