

# **The Paradox of the Respectful Workplace Policy Due to Normative Multi-Interpretation from the Perspective of Labor Protection Law: A Study on a Business Unit of a BUMN (State-Owned Enterprise) in the Commercial & Trading Sector**

*Alfi Zayyan Al Maksumiyah* 

Universitas Negeri Semarang, Semarang, Indonesia

[Alfizayyana21@students.unnes.ac.id](mailto:Alfizayyana21@students.unnes.ac.id)

*Ratih Damayanti* 

Universitas Negeri Semarang, Semarang, Indonesia

[Ratihdamayanti@mail.unnes.ac.id](mailto:Ratihdamayanti@mail.unnes.ac.id)

## **Abstract**

*The Respectful Workplace Policy (RWP) is an internal corporate norm designed to create a safe and inclusive work environment free from discrimination, violence, and harassment, while also supporting the implementation of good corporate governance. Within State-Owned Enterprises (SOEs), the RWP carries particular significance due to its connection to public interests and heightened demands for legal certainty. However, the formulation of the RWP relies on open-ended phrases without objective indicators, which potentially generates normative ambiguity in employment relations. This study aims to analyze the quality of the normative formulation of the RWP, identify patterns of normative ambiguity in workplace practice, and examine its implications for legal certainty and worker protection within SOEs. The research employs an empirical juridical approach by combining normative analysis of labor regulations and RWP documents with semi-structured interviews and observations involving workers across hierarchical levels in a Commercial & Trading business unit of an SOE.*



*The findings reveal that the RWP is not operationally formulated due to the absence of clear behavioral boundaries, violation thresholds, and assessment parameters, resulting in systemic and vertical normative ambiguity. This condition undermines legal certainty and encourages excessive self-restraint (self-censorship) in workplace interactions.*

## **KEYWORDS**

*Respectful Workplace Policy; internal norms; normative ambiguity; lex certa; legal certainty; worker protection*

## **Introduction**

In the development of modern employment governance, companies have increasingly adopted internal norms aimed at creating a safe and inclusive work environment free from discrimination, violence, and harassment. One such instrument that has emerged in this context is the Respectful Workplace Policy (RWP)<sup>1</sup>, which is normatively designed as an equal protection mechanism for all employees and as part of good corporate governance practices. At the same time, the RWP functions to provide clarity regarding the boundaries between permissible and prohibited conduct in the workplace.

Within State-Owned Enterprises (Badan Usaha Milik Negara/BUMN), the existence of such internal norms carries heightened significance. BUMN operate not merely as business entities but also bear a public interest dimension and are subject to stricter demands for legal certainty. This heightened significance is further reinforced by the fact that the RWP implemented in BUMN is formulated with reference to the Circular Letter of the Minister of BUMN Number SE-3/MBU/04/2022

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<sup>1</sup> Endang Susilowati and Erwin Susanto Sadirsan, "CONSCIOUSNESS AND GENDER EQUALITY AS AN IMPLEMENTATION OF AKHLAK CORE VALUES IN STATE-OWNED" 5, no. 2 (2023), <https://doi.org/10.7454/jts.v5i2.1065>.

concerning Guidelines for the Handling of Sexual Violence, Bullying, Harassment, and Discrimination in the Workplace.<sup>2</sup>

Empirical observations and interviews conducted across various levels of organizational hierarchy indicate that the RWP has not yet fulfilled the requirement of a shared normative understanding regarding the meaning, scope, and normative implications of its provisions. Divergent interpretations consistently arise with respect to key phrases such as “a series of unacceptable behaviors,” “which may occur once or repeatedly,” and “other characteristics.” These variations in understanding are not merely terminological in nature but reflect deeper problems related to the quality of internal norms as rules that carry binding legal effects.

Such normative ambiguity has direct implications for employee behavior in workplace interactions. In the absence of objectively defined behavioral boundaries, employees tend to adopt overly preventive attitudes by excessively limiting communication and interaction as a means of anticipating unpredictable potential violations. This phenomenon reveals a paradox in which a norm intended as an instrument of worker protection instead generates legal uncertainty and encourages self-censorship within employment relations.<sup>3</sup>

From the perspective of labor protection law, this condition raises serious concerns because it contradicts the principles of clarity of formulation and legal certainty.<sup>4</sup> Effective worker protection requires norms that can be clearly understood and consistently applied, enabling legal subjects to reasonably predict the legal consequences of their actions.

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<sup>2</sup> Kementerian Badan Usaha Milik Negara Republik Indonesia, “Surat Edaran Menteri BUMN Nomor SE-3MBU042022.Pdf” (2022).

<sup>3</sup> Purna Cita Nugraha, “PEMBENTUKAN PRINSIP JURISDICTION TO PREVENT (PRE-EMPTIVE JURISDICTION) DAN PRINSIP PERLINDUNGAN AKTIF DALAM HUKUM SIBER” 3, no. September (2018), <https://doi.org/10.23920/jbmh.v3n1.4>.

<sup>4</sup> Republik Indonesia, “UNDANG-UNDANG NOMOR 6 TAHUN 2023 TENTANG PENETAPAN PERATURAN PEMERINTAH PENGGANTI UNDANG-UNDANG NOMOR 2 TAHUN 2022 TENTANG CIPTA KERJA MENJADI UNDANG-UNDANG” (2023).

When internal norms are open to multiple interpretations and lack operational clarity, their protective function shifts into a potential source of disproportionate restrictions on workers' rights.<sup>5</sup>

Accordingly, this article seeks to contribute to filling a gap in labor law scholarship that has thus far predominantly focused on state legislation, by positioning non-legislative internal norms as objects of legal analysis that have a direct and tangible impact on worker protection. This study proposes an evaluative framework based on the principle of *lex certa* to assess the quality of internal corporate policy formulation, particularly policies that possess binding force and normative consequences within employment relations in the BUMN context.

## Methods

This study employs an empirical juridical approach, namely an approach that examines legal norms and their practical implementation within the context of employment relations. The juridical dimension is used to analyze the quality of the internal norm embodied in the Respectful Workplace Policy (RWP) as an instrument of worker protection, particularly in relation to the principle of clarity of formulation (*lex certa*) and legal certainty as recognized in theories of norm formation and national labor law.

The normative analysis is conducted through a review of national labor and industrial relations legislation, relevant legal principles, and internal corporate policy documents in the form of the Respectful Workplace Policy. The analysis focuses on the normative structure, the use of legal language, and the presence or absence of objective standards that enable the policy to be applied consistently.

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<sup>5</sup> Ayu Diasti Rahmawati et al., *Panduan Pelaporan, Penanganan, & Pencegahan Kekerasan Seksual Di Kampus Fisipol UGM*, 2021.

The empirical approach is employed to examine how the internal RWP norm is interpreted and internalized by employees across different hierarchical levels. Empirical data were obtained through direct observation and semi-structured interviews with employees in one business unit of a State-Owned Enterprise (Badan Usaha Milik Negara/ BUMN) operating in the Commercial & Trading sector. Respondents were selected purposively by considering variations in structural positions and employment status in order to capture potential vertical differences in normative interpretation.

The interviews focused on respondents' understanding of the definitions, objectives, and behavioral boundaries regulated under the RWP, as well as its implications for daily workplace interactions. Interview data were analyzed qualitatively by identifying recurring patterns of divergent interpretations of identical phrases and concepts within the internal norm. Consistent differences in interpretation were treated as indicators of normative ambiguity rather than mere individual perceptual differences.

The empirical findings were subsequently linked with the normative analysis to assess whether the internal RWP norm fulfills the principles of clarity of formulation and legal certainty, and to what extent the policy effectively functions as an instrument of worker protection in the practice of employment relations within the BUMN environment.

## **Result and Discussion**

### **1. The Legal Position of the Respectful Workplace Policy as an Internal Norm within the Labor Law System from the Perspective of Worker Protection**

Within the positive legal system, internal corporate norms cannot be equated with state law or statutory regulations, as they are not formed through formal legislative procedures and do not possess

general applicability (*erga omnes*).<sup>6</sup> Nevertheless, this distinction does not automatically place internal norms outside the scope of legal analysis, particularly when such norms bind specific subjects and generate tangible legal consequences within employment relations.

Internal corporate norms, including the Respectful Workplace Policy (RWP), possess a form of limited binding force, in that they apply only to subjects who stand in an employment-related relationship with the company. This includes permanent employees, outsourced workers, interns, and other parties whose activities are situated within the company's work environment. The binding nature of such norms derives from the employer's managerial authority as well as from the employment relationship itself, whether established explicitly through contractual clauses or implicitly through the acceptance of workplace rules. In this context, workers are not merely confronted with ethical values or organizational culture, but with internal rules that regulate behavior, impose obligations, and restrict certain actions.<sup>7</sup>

In the context of BUMN, the demand for legal certainty with respect to internal norms becomes even more pronounced, given the dual character of BUMN as business entities that simultaneously carry public interest responsibilities and are subject to principles of accountable corporate governance. The applicability of the RWP is grounded in a policy mandate issued by the Minister of BUMN. Consequently, from a normative standpoint, the RWP cannot be positioned merely as an ethical guideline, but must be regarded as an

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<sup>6</sup> Addyana Belaputri Salsabiila Tiara Aulia, Sarah Firka Khalistia, "TINJAUAN PEMBENTUKAN UNDANG-UNDANG NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA BERDASARKAN PROSEDUR DAN ASAS-ASAS PEMBENTUKAN PERATURAN PERUNDANG-UNDANGAN YANG BAIK" 10, no. 11 (2022).

<sup>7</sup> Ana Romadhona, "REKONSTRUKSI REGULASI PERLINDUNGAN HUKUM TERHADAP HAK PEKERJA OUTSOURCING YANG BERBASIS NILAI KEADILAN" (2023).

internal corporate rule with legal consequences in employment relations. Violations of such internal norms may lead to internal investigations, recommendations for disciplinary sanctions, restrictions on certain employment rights, and may ultimately affect the worker's legal position within the employment relationship.<sup>8</sup>

Given the existence of enforcement mechanisms and concrete consequences, internal norms such as the RWP no longer function solely as moral guidance, but operate as In modern legal doctrine, norms of this nature are often understood as *quasi-legal norms* or *normative governance instruments*, namely non-legislative rules that exercise regulatory functions and practical binding force despite not constituting state law.<sup>9</sup> As such, these norms should be subject to fundamental principles of legal certainty, including clarity of formulation (*lex certa*), comprehensibility, and predictability. Legal certainty in this context requires that legal subjects be able to rationally understand the boundaries between permitted and prohibited conduct, and to anticipate the consequences of their actions prior to the enforcement of the norm.

However, the findings of this study indicate that the normative position of the RWP in practice has not been uniformly understood as an internal legal norm. Some workers perceive the RWP primarily as a set of moral values or elements of workplace culture, while others regard it as an administrative guideline. This divergence was evidenced through cross-hierarchical interviews conducted on 9 November 2025. Such differences in understanding constitute an

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<sup>8</sup> George W. Carey Bruce P. Frohnen, *Constitutional Morality and the Rise of Quasi-Law* (Harvard University Press, 2016), <https://books.google.co.id/books?hl=id&lr=&id=E5C-CwAAQBAJ>.

<sup>9</sup> Hans Lindahl, "A-Legality : Postnationalism and the Question of Legal Boundaries" 73 (2010): 30–56.

initial indication that the internal norm has not fully satisfied the principle of comprehensibility as recognized in theories of legal norm formation and as a basic prerequisite of legal certainty. This condition signals an early indication of deficiencies in the quality of the RWP's normative formulation as an instrument of worker protection.

## **2. Vertical Multinterpretation of the Respectful Workplace Policy in Light of the *Lex Certa* Principle**

In legal theory, a norm can function as a binding rule only if it satisfies the principles of clarity of formulation (*lex certa*) and legal certainty. The *lex certa* principle constitutes an integral component of legal certainty, requiring that legal norms be formulated in a clear, precise, and unambiguous manner so as not to leave room for multiple interpretations by the subjects they regulate. Within the framework of modern law—including labor law and internal organizational norms—*lex certa* operates as a minimum prerequisite for qualifying a rule as an enforceable legal norm, rather than merely an ethical statement or a moral policy.<sup>10</sup>

Doctrinally, the *lex certa* principle demands not only linguistic clarity but also certainty in the normative structure of a rule. Accordingly, the clarity of a norm cannot be assessed solely on the basis of the policy-maker's good intentions, but must be evaluated in light of the norm's capacity to be objectively understood, consistently applied, and critically assessed by all layers of legal subjects. In this study, the *lex certa* principle is employed as the primary analytical tool to assess the quality of the formulation of the Respectful Workplace Policy (RWP). The indicators of *lex certa* applied in this analysis include:

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<sup>10</sup> Zainal Arifin Hoesein, "Pembentukan Hukum Dalam Perspektif Pembaruan Hukum" 1 (2012): 307–27.

**a) Conceptual Clarity of Definitions**

A norm satisfies the *lex certa* principle when its key terms are formulated in a precise and consistent manner and do not conceptually overlap. Each legal concept must have clearly delineated boundaries of meaning so that it can be distinguished from other related concepts. Indicators of a violation of *lex certa* in this aspect include: the use of descriptive–moral definitions rather than normative–legal formulations; conceptual overlap between notions such as discrimination, violence, and harassment; and excessive reliance on subjective perceptions without clear distinguishing elements.<sup>11</sup>

**b) Clarity of the Addressees and Regulated Conduct**

The *lex certa* principle requires clarity regarding who is subject to obligations or prohibitions (the legal addressees) and what forms of conduct are required, prohibited, or restricted (the object of the norm). A norm fails to meet this requirement where: responsibility for compliance is unclear; prohibitions are framed in overly general terms (for example, references to “inappropriate behavior” without further specification); or differences in hierarchical position and employment status are not normatively accommodated.<sup>12</sup>

**c) Clarity of Limits and Violation Threshold**

A core element of *lex certa* is the existence of a clearly defined minimum threshold for determining when an act qualifies as a violation.<sup>13</sup> Key indicators under this aspect include: whether the norm specifies a threshold of impact (actual

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<sup>11</sup> Marcellly M. Kantjai, “PASAL 335 AYAT (1) KE-1 KITAB UNDANG- UNDANG HUKUM PIDANA DARI ASPEK LEX CERTA PADA ASAS LEGALITAS” V, no. 1 (2016): 28–36.

<sup>12</sup> Heinz Mohnhaupt, “*Lex Certa*” and “*Ius Certum*”: *The Search for Legal Certainty and Security*,” 2008, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315597522-6/lex-certa-ius-certum-search-legal-certainty-security-heinz-mohnhaupt>.

<sup>13</sup> PT. Pertamina (Persero), “Materi Ajar Respectful Workplace Policy and Practices in Pertamina,” 2023.

harm versus mere discomfort); ); clarity regarding frequency and intensity (single occurrence versus repetition, minor versus serious conduct); and a distinction between permissible differentiation and prohibited discrimination. Norms that fail to establish such thresholds tend to encourage wholly subjective and inconsistent assessments.<sup>14</sup>

**d) Clarity of Assessment and Evidentiary Parameters (*objective assessment criteria*)**

Norms that comply with *lex certa* must allow for objective and rational assessment. Accordingly, they should provide testable parameters, including: indicators of harm psychological, economic, or career-related; a causal relationship between the conduct and the alleged harm; and explicitly formulated standards of reasonableness or professionalism.<sup>15</sup> In the absence of such parameters, a norm cannot be enforced fairly and becomes vulnerable to arbitrary or abusive application.

**e) Clarity of the Normative/Legal Consequences**

The *lex certa* principle also requires a clear linkage between violations of the norm and the legal consequences or sanctions that may be imposed. A norm loses its legal character when the types of violations and their consequences are unclear, sanctions are left entirely to discretion without normative guidance, or enforcement mechanisms are not explicitly connected to the elements of the violation.

**f) Understandability across hierarchical levels)**

As an internal organizational norm, compliance with *lex certa* further requires that the rule be comprehensible to all

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<sup>14</sup> Alexandre Flücker, *The Ambiguous Principle of the Clarity of Law*, 2008, <https://www.taylorfrancis.com/chapters/edit/10.4324/9781315247823-12/ambiguous-principle-clarity-law-alexandre-fluecker>.

<sup>15</sup> Wustari L. H. Mangundjaya, *PSIKOLOGI KOMUNIKASI DI TEMPAT KERJA*, ed. Hanartono Widjoyo (Qiara Media, 2022), <https://books.google.com/books?id=F-hnEAAAQBAJ>.

hierarchical levels, not only to policy-makers or management. Legal language that is overly abstract, elitist, or academic without operational explanation risks violating this requirement. Failure under this aspect is indicated where understanding of the norm varies sharply across positions, the norm is reduced to vague ethical sentiments or “feelings,” and workers are unable to translate the rule into concrete behavioral guidance.<sup>16</sup>

### **3. Evidentiary Analysis of Multinterpretation Based on Cross-Hierarchical Interviews on the Respectful Workplace Policy Handbook**

In addition to divergences concerning the normative status of the Respectful Workplace Policy (RWP), empirical evidence demonstrates that multi-interpretation also arise clearly in employees’ understanding of the objectives and foundational pillars of the RWP, particularly the principles of diversity, equity, and inclusion. Divergent interpretations of the policy’s objectives reinforce the indication that the primary problem of the RWP lies in the quality of its normative formulation, rather than merely in the stage of policy implementation or dissemination.

This conclusion is directly reflected in the results of cross-hierarchical interviews conducted as part of a shared-understanding assessment of the RWP handbook. Respondents drawn from different vertical positions—namely, managers, analysts, outsourced workers, participants in the MAGENTA program, and vocational interns (PKL)—were asked a series of structured questions designed to test their understanding of the RWP’s objectives, principles, and practical implications. The interview questions focused on:

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<sup>16</sup> and Franziska Weber Michael Faure, Morag Goodwin, “The Regulator’s Dilemma: Caught between the Need for Flexibility and the Demands of Foreseeability. Reassessing the Lex Certa Principle,” no. Cc (2014).

### **a) Understanding of the Definition of the RWP**

The interview results demonstrate that the understanding of the RWP is neither uniform nor normative, but vertically fragmented. Managers and analysts tend to perceive the RWP primarily as an ethical value framework or an organizational policy, whereas outsourced workers, MAGENTA participants, and vocational interns (PKL) tend to interpret it as a general rule aimed at maintaining workplace harmony. None of the hierarchical layers consistently perceived the RWP as a binding internal legal norm with specific legal consequences.

This variation in understanding confirms that the definition of the RWP fails to meet the *lex certa* principle, as it is not formulated explicitly as a legal norm.<sup>17</sup> Instead, the RWP remains situated at a moral and administrative level rather than functioning as a regulatory rule. Such a condition contradicts the principles of comprehensibility and clarity of formulation, insofar as even the basic conceptual status of the norm is not uniformly understood by its addressees.

### **b) The Goals of the RWP**

The stated objectives of the RWP within diversity, equity, and inclusion are interpreted differently across hierarchical levels. At the managerial level, these goals are understood in a philosophical and declaratory sense. At the operational level, however, they are reduced to notions of workplace harmony or the avoidance of conflict. This divergence indicates a process of normative downgrading, whereby the function of the norm shifts from a legal obligation to an ethical guideline.

The three core pillars are not formulated as operational legal objectives, as they are not accompanied by clearly defined

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<sup>17</sup> Irsyaf Marsal Ananda Putri, Nadya Zaharani, I Made Cinta, Fara Tiara, "PERAN BAHASA BAKU DAN KALIMAT EFEKTIF DALAM MENJAMIN KEPASTIAN HUKUM PADA PERATURAN PERUNDANG-UNDANGAN" 16, no. 1 (2025).

indicators, duty-bearers, or measurable standards of achievement. As a result, the objectives of the RWP cannot be legally tested or enforced.<sup>18</sup> . From a juridical perspective, this condition potentially violates the *lex certa* principle and legal certainty, as the objectives of the norm are not formulated in a precise and measurable manner. The RWP has not fully succeeded in transforming values into legal duties (*to impose a duty*), and instead remains at the level of stating ideals (*to state an ideal*).

### **c) Definitions of Discrimination, Violence, and Harrassment**

The definitions of these three concepts exhibit systematic multinterpretation. Managers and analysts tend to adopt interpretations that resemble the policy text, yet without incorporating essential legal elements such as intent, causality, and standards of proof.<sup>19</sup> . Lower hierarchical levels, by contrast, frequently conflate discrimination with intimidation, general unfairness, or subjective discomfort. This fragmentation demonstrates that the constitutive elements of each concept are not formulated with sufficient precision. Discrimination is not clearly distinguished from ordinary inequality, violence is often reduced to physical acts, and harassment is equated with unpleasant interaction. Consequently, the legal terminology used in the RWP loses its conceptual boundaries. Normatively, this condition directly contradicts the *lex certa* principle, as the norm permits excessive subjective interpretation and fails to provide uniform standards of application.

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<sup>18</sup> Laurence Cholvy and Frédéric Cuppens, *Analyzing Consistency of Security Policies* (IEEE, 1997), <https://ieeexplore.ieee.org/abstract/document/601324/>.

<sup>19</sup> "Materi Pelatihan Investigasi Kekerasan Dan Diskriminasi Untuk Pertamina Group.," n.d.

**d) The Phrase “Other Characteristics”**

The phrase “other characteristics” functions as an open-ended clause without limiting principles. Managers extend its meaning to social preferences, analysts include physical attributes, outsourced workers and MAGENTA participants refer to sensitive identities, while PKL participants include contractual status. This clause constitutes one of the most critical sources of ambiguity, as it fails to distinguish between legally protected characteristics and permissible forms of differentiation. In the absence of interpretative guidance, the norm becomes overinclusive and loses precision. From the standpoint of legal theory, open clauses without limiting principles are prone to violating the *lex certa* principle and generating normative uncertainty.

**e) The Meaning of “Nullifying or Undermining Equality”**

Interpretations of this phrase are divided between an objective approach (loss of rights or opportunities) and a subjective approach (feelings of discomfort or social exclusion). The RWP does not establish a minimum impact threshold required to qualify conduct as discriminatory. The absence of such a threshold renders the norm incapable of consistent application. From a *lex certa* perspective, a norm that fails to define a minimum level of impact does not satisfy the requirement of legal certainty.

**f) The Phrase “But Not Limited To”**

Rather than clearly expanding the scope of protection, this phrase generates confusion. Some hierarchical layers interpret it as implying a total prohibition, while others perceive it as creating a gray area. Some respondents even assume that protection does not apply during the recruitment stage. This demonstrates that expansion clauses without explanatory guidance obscure, rather than clarify, normative boundaries. Normatively, this phrase fails to meet the requirement of clarity of formulation (*lex certa*).

**g) Violence, Harassment, Frequency, Harm, and the Victim's Feelings**

The definitions of violence and harassment in the RWP rely excessively on perception, context, and ethical judgment, without objective indicators regarding form, intensity, frequency, power relations, or standards of proof. Divergent interpretations across hierarchical levels reveal that the norm lacks operational character. Phrases such as “unacceptable behavior,” “once or repeatedly,” and “causing intimidation” place subjectivity at the center of the norm without mechanisms of objectification. This condition simultaneously weakens victim protection and creates normative fear in workplace interactions. From a *lex certa* perspective, norms that rely entirely on subjective feelings without minimum criteria cannot be enforced fairly.

With respect to discrimination, layered analysis shows that only the managerial level approaches a legal interpretation by emphasizing objective relevance to job requirements. However, this approach remains problematic because it relies on discretion without evidentiary mechanisms. Other layers interpret discrimination as general inequality, nepotism, or differences in employment status, without distinguishing between lawful differentiation and prohibited discrimination. This lack of clarity demonstrates that the RWP does not formulate objective indicators distinguishing legal and illegal differentiation. As a result, workers are unable to predict the legal consequences of particular actions. This condition constitutes a direct violation of the *lex certa* principle and legal certainty.

#### **4. The Implications of Multinterpretation of the Internal Norm of the Respectful Workplace Policy for Legal Certainty and the Function of Worker Protection**

The research findings indicate that the open-ended and multinterpretable formulation of RWP places workers in a condition of legal uncertainty, as it lacks objective standards (clear and definite boundaries) that may serve as a shared normative reference. This implication becomes increasingly significant given that RWP is not positioned merely as an ethical guideline, but is explicitly linked to reporting mechanisms, investigative procedures, and the imposition of consequences through task forces and disciplinary committees.<sup>20</sup> The RWP handbook regulates stages of intervention, examination, and recommendations for sanctions in cases of alleged violations, whether through direct intervention or formal investigative mechanisms.

Accordingly, RWP possesses the character of an internal norm with legal implications, rather than merely a moral norm or organizational value statement. In conditions of normative multinterpretation, enforcement mechanisms are vulnerable to inconsistent application.<sup>21</sup> When behavioral boundaries are not clearly formulated, determinations regarding the existence of a violation depend heavily on the subjective interpretation of the examining authority. Such a situation contradicts the principle of legal certainty, which requires that norm enforcement be grounded in clear, objective, and predictable criteria that legal subjects can anticipate prior to acting.

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<sup>20</sup> Nila Hanik Ahyani, "Hubungan Kesejahteraan Di Tempat Kerja ( Workplace Well-Being) Dan Disiplin Kerja Pada Pegawai Negeri Sipil Dinas Pekerjaan Umum Dan Penataan Ruang (Pupr) Kabupaten Kudus," 2023.

<sup>21</sup> Asti Dwiyanti et al., *Buku Ajar Pengantar Ilmu Hukum*, 2024, <https://books.google.com/books?id=npr5EAAAQBAJ>.

The implications of RWP's multinterpretation must also be assessed in relation to the Collective Labor Agreement (CLA). The CLA is designed to provide legal certainty regarding the rights and obligations of the parties and to create stability in employment relations. Certainty and predictability constitute its normative foundation. When an internal norm such as RWP is drafted in a multinterpretable and non-operational manner, a normative tension emerges between the certainty pursued by the CLA and the uncertainty generated by the company's internal regulation.<sup>22</sup>

The implications of RWP's multinterpretation must also be assessed in relation to the Collective Labor Agreement (CLA). The CLA is designed to provide legal certainty regarding the rights and obligations of the parties and to create stability in employment relations. Certainty and predictability constitute its normative foundation.<sup>23</sup> When an internal norm such as RWP is drafted in a multinterpretable and non-operational manner, a normative tension emerges between the certainty pursued by the CLA and the uncertainty generated by the company's internal regulation.

Within the context of BUMN, this issue cannot be reduced to a mere technical drafting concern. BUMN entities, as hybrid institutions functioning both as business actors and executors of public interest, require internal norms that meet a higher standard of legal certainty. A multinterpretable internal norm risks undermining good corporate governance, particularly the principles of accountability and legal

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<sup>22</sup> Suwardi et al., *Keadilan Dan Harmoni Organisasi Dalam Stres Kerja*, ed. Mizan Saddaq and Arie Surachman (Syiah Kuala University Press, 2024), <https://books.google.com/books?hl=id&lr=&id=K4j9EAAAQBAJ>.

<sup>23</sup> Perjanjian Kerja Bersama, "Perjanjian Kerja Bersama Pada Salah Satu Unit Usaha BUMN Bidang Commercial & Trading Periode 2025–2026.," 2025.

certainty,<sup>24</sup> by creating space for inconsistent enforcement that is difficult to justify objectively.

Thus, the multinterpretation of RWP reveals a paradox in the function of worker protection. A norm designed to protect workers from discrimination, violence, and harassment instead produces legal uncertainty that disproportionately restricts professional freedom. Under such conditions, the protective function of law shifts, from providing security, to generating normative risk within employment relations.

## **Conclusion**

Based on the research findings and discussion, this study produces several conclusions that address the formulated research questions. First, regarding the position of the Respectful Workplace Policy (RWP) as an internal norm within the labor law system from the perspective of worker protection law, this research demonstrates that RWP cannot be equated with state law, as it is not established through formal legislative mechanisms and does not possess general applicability. Nevertheless, RWP has limited binding force upon specific subjects within employment relations and generates normative consequences, such as internal investigations, recommendations for sanctions, and restrictions on workers' rights. In this context, RWP may be understood as a non-legislative internal norm that performs a regulatory function within employment relations. Therefore, although it does not constitute statutory law, RWP remains relevant to be analyzed through the principles of legal certainty as part of efforts to protect workers, particularly within BUMN environments that embody elements of public interest and accountable governance.

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<sup>24</sup> Azis Rachman et al., *Pengantar Good Corporate Governance* (TOHAR MEDIA, 2025), <https://books.google.com/books?id=tYxpEQAAQBAJ>.

Second, when examined through the perspective of *lex certa* theory, this study finds that the formulation of RWP has not fully provided the level of normative clarity required of a binding norm. The use of open-ended clauses, the absence of objectively defined behavioral boundaries, and the lack of clear evaluative parameters and violation thresholds contribute to the emergence of multinterpretation. This condition indicates that the principles of clarity of formulation and normative predictability have not been adequately fulfilled, thereby potentially affecting the consistency of RWP's application as an internal norm in employment relations.

Third, based on the results of cross-vertical position comprehension interviews, this research reveals significant variations in understanding regarding the normative status, objectives, and substantive provisions of the RWP Handbook.<sup>25</sup> These differences in interpretation appear relatively consistent across hierarchical levels, both at the conceptual level and in the understanding of behavioral limits that carry legal consequences. This finding indicates that multinterpretation does not occur solely at the implementation stage, but is also closely related to the manner in which the norm is formulated and communicated to its regulated subjects.

Overall, RWP has not yet fulfilled the qualifications of a clear, operational, and enforceable internal legal norm. The multinterpretation that arises is systemic in nature and occurs across nearly all principal clauses. Vertical disparities in understanding indicate that RWP undergoes normative downgrading, shifting from a legal norm to an ethical guideline. From a juridical perspective, RWP potentially violates the principle of *lex certa*, the principle of comprehensibility, and the principle of legal certainty as stipulated

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<sup>25</sup> Mery Herlina, "KONSEP PENYUSUNAN NORMA PENJELASAN PERATURAN PERUNDANG-UNDANGAN GUNA MENCEGAH MULTITAFSIR DALAM PENEGAKAN HUKUM DI INDONESIA" 1 (2024): 54–66.

in Article 5 letters f and g of Law Number 12 of 2011. The norm fails to formulate legal objectives, behavioral boundaries, indicators of violations, and consequences in a definitive manner. As a result, RWP lacks sufficient enforceability and risks creating a protection paradox. These findings demonstrate the need for greater attention to the drafting of internal corporate norms so that they align with the principles of legal certainty, thereby ensuring that the objective of worker protection can be achieved in a proportional and sustainable manner.

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