

ENHANCING SOCIAL SECURITY AMID ARMED CONFLICT: TOWARD LEGAL PROTECTIONS FOR WORKERS FACING EMPLOYMENT LOSS

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ABSTRACT

The significant impact of armed conflict on social conditions can be mitigated through the establishment of certain preventive measures to protect social security in cases of employment loss resulting from armed conflict. This study focuses on the social conditions arising from armed conflict and the national laws pertaining to worker social security in cases of employment loss, with a specific focus on Ukraine, Israel, Palestine, and Libya. Utilizing a doctrinal and socio-legal methodology, this article aims to provide insights for the development of preventive legal protections for workers facing employment loss in the aftermath of armed conflicts. The study reveals that social conditions are disrupted, leading to many workers losing their jobs without clear access to employment loss benefits due to the lack of legal certainty within national laws during armed conflict situations. Prior to the occurrence of armed conflict, national employment laws should clearly outline the conditions under which benefits can be accessed and how these benefits can be provided to affected workers, either within the conflict zone or in neighboring unaffected countries through institutional cooperation.

Keyword: armed conflict; preventive legal protection; social condition; worker social security of employment loss.

INTRODUCTION

Worker social security is a global entitlement that aims to provide workers with financial protection in case they are unable to work due to various risks like health issues

or job loss.¹ The Universal Declaration of Human Rights states that everyone has the right to social security, and governments are responsible for ensuring this protection.² However, challenges like armed conflicts can disrupt social security systems. For example, in Palestine, over 500,000 jobs were lost due to conflict by January 31, 2024.³ To address this, countries could allocate resources for social security before conflicts arise, using insurance or social schemes as preventive measures.⁴

Conflicts have a significant negative impact on society and the economy, leading to infrastructure damage,⁵ disruption of the labor force and human capital, and the destabilization of government institutions.⁶ This results in up to 50 million refugees and internally displaced people requiring food, essential assistance, and legal protection.⁷ In Ukraine in 2022, the unemployment rate reached 26%, affecting 3.2 million individuals due to increased expenditure and decreased revenue. Workers in the West Bank struggled to afford their children's tuition, while Libya faced challenges in providing adequate social protections. Moving forward, there is a critical need for equitable, inclusive, and sustainable social protection systems that are founded on the principles of risk-sharing and legal certainty to ensure comprehensive protection that meets the needs of the population.⁸

Labor rules as preventive legal protection is necessary to be provided and is especially important in facing times of instability.⁹ Preventive Legal Protection is aimed to prevent any damage or violation of one's rights before the violation occurring. By 2007, only a small number of the unemployed in most of the developed countries were

¹ Firas Jaber, "The Social Security Law in Palestine: A Seek For Justice" (Ramallah, 2017).

² Nura Damayanti Ariningsih, Windy Ratna Yulifa, and Aris Prio Agus Santoso, "Legal Protection For Workers Through Social Security Program," *Journal Research of Social Science, Economics, and Management* 1, no. 1 (August 31, 2021): 18–30, <https://doi.org/10.59141/jrssem.v1i1.2>.

³ International Labour Organization (ILO), "Palestinian Central Bureau of Statistic: Impact of the War in Gaza on the Labour Market and Livelihoods in the Occupied Palestinian Territory," Bulletin No.3, n.d.

⁴ Frances Stewart, "Employment in Conflict and Post-Conflict Situation," 2015.

⁵ Stewart.

⁶ Ellen Messer, Marc J Cohen, and Thomas Marchione, "Conflict: A Cause and Effect of Hunger," *Entwicklung Und Laendlicher Raum* 34, no. 1 (2001): 18–21.

⁷ Sergii Venediktov, "The Impact of the Armed Conflict on Labour Law: The Case of Ukraine," *Access to Justice in Eastern Europe* 6, no. 4 (November 1, 2023): 278–91, <https://doi.org/10.33327/AJEE-18-6.4-n000478>.

⁸ International Labour Organization, "The ILO Social Security (Minimum Standards) Convention, 1952 (No. 102)," 1955.

⁹ Yelena Alexandrovna Istomina and Julia Valeryevna Ivanchina, "Labour Law and Social Security Law: Social Value in the Modern World," ed. F.V. Fetyukov, *SHS Web of Conferences* 134 (February 9, 2022): 0045, <https://doi.org/10.1051/shsconf/202213400045>.

entitled to, and were receiving, unemployment insurance benefits about a third in the United States, and 40 per cent in many of the European Union countries.¹⁰

The main goal of law is to enhance the well-being of all individuals, establish regulations to eradicate poverty worldwide while upholding human dignity.¹¹ Legal realism theory posits that laws are shaped by societal interests and public policy, with morality and social context influencing the evolution of legal frameworks. A comprehensive analysis of law, encompassing legal certainty, justice, welfare, and both national and international conditions, can lead to progressive legal developments that benefit humanity.¹² Upholding human rights, including social security, is a fundamental aspect of justice, ensuring that no individual, regardless of their position, can prioritize their interests over human rights. The social conditions in conflict zones highlight the impact of national laws on society. By reviewing national laws related to social security in conflict areas, insights can be gained to propose improvements for better social security measures, serving as a legal safeguard in future conflict situations.¹³

RESEARCH METHOD

This study employs a combination of doctrinal and social legal methods. Secondary data, including information on social conditions, legal frameworks, theories, and expert opinions, was gathered through library research.¹⁴ The data was thoroughly examined using inductive and deductive reasoning techniques. The categorization of data focused on social conditions and legal aspects, particularly concerning social security for workers facing employment loss in conflict zones such as Israel, Palestine, Ukraine, and Libya.¹⁵ Expert commentaries on various legal aspects, including the nature and objectives of law, social security schemes, and national laws in conflict areas, as well as international legal instruments related to worker social security, were analyzed through categorization,

¹⁰ United Nations. Department of Economic and Social Affairs, "Social Protection, Labour and Work," in *The Employment Imperative* (United Nation, 2007), 1–144.

¹¹ Charalampos (Harry) Stamelos, *Universal Solutions to Global Problems: A Holistic Analysis of Law, Connecting Theory and Practice*, 2023.

¹² Stamelos.

¹³ Siti Nurbaiti, "Asuransi Tanggung Jawab Pengangkut Terhadap Penumpang Dalam Penyelenggaraan Pengangkutan Di Jalan" (Universitas Trisakti, 2013).

¹⁴ Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie, *Routledge Handbook of Socio-Legal Theory and Methods*, ed. Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie (Abingdon, Oxon; New York, NY: Routledge, 2019; Routledge, 2019), <https://doi.org/10.4324/9780429952814>.

¹⁵ David N. Schiff, "Socio-Legal Theory: Social Structure And Law," *The Modern Law Review* 39, no. 3 (May 18, 1976): 287–310, <https://doi.org/10.1111/j.1468-2230.1976.tb01458.x>.

coding, and detailed reading.¹⁶ The study aimed to illustrate how social conditions in conflict areas are influenced by legal mechanisms, the alignment of national laws on worker social security with international standards, the recognition of social security as a fundamental human right, and the reciprocal relationship between these factors.

RESEARCH OUTCOME AND DISCUSSION

1. Social Condition in Armed Conflict of Ukraine, Israel, Palestine and Libya

Social conditions are those factors that affect a person's access to opportunities and quality of life. Promoting positive social circumstances needs policies, plans, programs, and services.¹⁷ Conflicts create displacement, loss of social infrastructure impairing access to employment, healthcare, education. These all happened in Israel, Palestine, Libya and Ukraine. Neglecting them will create more conflict.¹⁸ Armed conflict is a contested incompatibility involving government and/or territory where the parties use arm force for any reason of ethnicity, religion, or area, of which at least one is the government of a state. It results in deaths, bodily harm, forced relocation, property damage or witnessing violence.¹⁹ Civilian shall be ensured to adequate health, food, assistance, employment and education. Under humanitarian Law, basic human rights shall be upheld in any circumstance related to armed conflict to lessen the impact of armed conflicts on civilians.²⁰ In fact armed conflicts have severely impacted the capacity of civilian social protection systems.²¹ The social condition impacted from armed conflict is reflected in their social condition. Preventive legal protection is legal instruments to provide prevention before the occurrence of violations. They are laws and regulations aimed to prevent a violation from occurring and providing limitations.²² The protection, according to Philipus M Hadjon, is to maintain human dignity as the recognition of human rights possessed by legal subjects.

¹⁶ Paul Chynowet, "Chapter Three Legal Research," 2008.

¹⁷ OHCHR, "Report of the United Nations High Commissioner for Human Rights," 2015.

¹⁸ International Committee of the Red Cross, "How Is the Term 'Armed Conflict' Defined in International Humanitarian Law?," 2008.

¹⁹ Charlotte Fiedler, "What Do We Know about How Armed Conflict Affects Social Cohesion? A Review of the Empirical Literature," *International Studies Review* 25, no. 3 (June 23, 2023), <https://doi.org/10.1093/isr/viad030>.

²⁰ Nils Melzer and Etienne Kuster, "New IHL Handbook," *International Review of the Red Cross* 98, no. 901 (April 10, 2016): 353–353, <https://doi.org/10.1017/S1816383117000091>.

²¹ Nataliia Lomonosova and Katherina Babych, "Social Security and War in Ukraine," *CEDOS*, 2022.

²² Ariningsih, Ratna Yulifa, and Agus Santoso, "Legal Protection For Workers Through Social Security Program."

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Social security for workers is a form of protection for workers and their families against various labour market risks. One of those branches is labour security of employment loss scheme as a mechanism of workers' social protection system.²³ To workers as members of a society, preventive legal protection with social security for employment loss is necessary to be clearly stated in terms of the scheme, organizing institution, and specifically how the benefit to be withdrawn when an armed conflict starting anytime in the future resulted in employment loss.

Study found that employment loss insurance scheme was effective in overcoming the number of unemployed during economic recession. It was able to protect workers who lost their income by maintaining their level of welfare.²⁴ It is as well can be the protection of workers who lost their income during armed conflict in maintaining their welfare. Social conditions are seen from people's lives and welfare in a community such as: income, degree of poverty, decent schools, and sources of wholesome food which influence life for goodness or bad²⁵ Ukraine case for example, from August 29 2023, 6.2 million Ukraine refugees had registered for temporary protection.²⁶ Local social security government agencies were lack of administrative and financial means for evacuation; The Ministry of Social Policy of Ukraine (MoSP) in charge of granting about thirty distinct cash-based social benefits needed to work harder in this situation to provide for programs such as: Pension benefits, unemployment benefits, housing allowances for internally displaced persons.²⁷

Livelihoods sector had suffered losses amounting to US\$50.6 billion since the war in 2022, primarily related to: job loss, decreased household income from wages, increased poverty, and decreased affordability of basic needs like food and energy. Adapted social protection program required additional financial investments, technical support and staffing resources.²⁸ The crisis has had a significant impact on the Ukrainian

²³ Ariningsih, Ratna Yulifa, and Agus Santoso.

²⁴ Suparto Suparto, "Job Loss Insurance Program Applicable In Indonesia Based On Government Regulation And Its Comparison With Other Countries," *Awang Long Law Review* 5, no. 2 (May 31, 2023): 604–9, <https://doi.org/10.56301/awl.v5i2.768>.

²⁵ Paula Bravemen, "Social Conditions, Health Equity, and Human Rights," *Health and Human Rights* 12, no. 2 (2010): 31–48, <https://doi.org/https://doi.org/10.13016/SQGV-DXJO>.

²⁶ Venediktov, "The Impact of the Armed Conflict on Labour Law: The Case of Ukraine."

²⁷ Carla Lacerda, "The State of the Social Protection System in Ukraine as It Reaches the One-Year Mark of the Conflict," *SocialProtection.org*, 2023, <https://socialprotection.org/discover/blog/state-social-protection-system-ukraine-it-reaches-one-year-mark-conflict>.

²⁸ Lacerda.

social protection system both in terms of increased expenditure and decreased revenue. Internally or externally relocated for new work, interrupted education and health declines. All have a long-term detrimental effect on a nation's human capital pool.²⁹

Other armed conflict impact from the Israel's long-term military occupation since 2019 upon Palestinian territory (oPt) resulted in "depression unemployment level". hazardous jobs, little benefits, long hours, and little social security. About 30% of workers in the private sector, which employs 62.1% of the oPt's labor force earned less than the US\$428.79 minimum wage per month. Just 30% of workers in the private sector had access to complete social rights, indicating that they also lack social protection.³⁰

Prior to October 2023, 18,500 foreign construction and agriculture workers were still employed in Israel. At least 66% of employment in Gaza was lost, by December more than three-quarters of the people were unemployed. It resulted in their difficulty to cover housing rent and children's tuition.³¹ Israel industries like tourism was in shocks. By October 7th, investors postponed trips, fields went unharvested, and employees vanished. Remaining number were not maximally productive because of mental disturbed. Mental health situation continued to be problematic with a rise in abuse and domestic violence. 200,000 people were displaced. Construction, which represents 14 percent of Israel's economy, as well as farms slowed down. Poor social condition reflects the crisis of human and / or humanity in general, resulted in unhappiness or not in well-being, or happiness.³²

Libya's impressive levels of growth from its oil and gas industry was seriously disrupted by the 2011 civil war.³³ After 2012, a new social group of Libya experiencing: inability to pay for their education and healthcare, and the loss of income. In 2016, there were 435,000 internally displaced and roughly 125,000 externally displaced. An estimated 783.2 billion Libyan dinars was lost in economic potential as a result of the fighting between 2011 and the present. The conflict causing decline in productive industries, building, agricultural, and hydrocarbons sectors.

²⁹ Yuriy Gorodnichenko, Marianna Kudlyak, and Ayşegül Şahin, "The Effect of the War on Human Capital in Ukraine and the Path for Rebuilding" (Stanford, 2022).

³⁰ ITUC CSI, "Workers' Rights in Crisis: Palestinian Workers in Israel and the Settlements," 2021.

³¹ Becky Sullivan, "Israel's War with Hamas Disrupts Palestinian Workers and Israeli Employers Alike," npr, 2023, <https://www.npr.org/2023/11/04/1210588361/israel-palestinian-workers-construction-economy>.

³² Viktoria Bazzhina, "Labour Activity as a Factor of Social, Economic and Emotional Well-Being of the Population," *Procedia - Social and Behavioral Sciences* 166 (January 2015): 74–81, <https://doi.org/10.1016/j.sbspro.2014.12.486>.

³³ Abderrahim Ben Salah, *Africa Economic Outlook 2018* (Libya: African Development Bank Group, 2017).
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Armed conflict in Ukraine, Israel, Palestine, and Libya has proved person's access to opportunities been affected such as: internally and externally displaced people, employment loss, education and health care decreasing access, decreasing state social security subsidies program and management. All affecting the decrease of life quality. Poor social condition, including the crisis in economy reflects the crisis of human and / or humanity in general, the opposite of human well-being, or happiness. Wellbeing includes: good health, harmonious relationships and work.³⁴

Neglected social condition can result in more conflict. Under unemployment chapter of Labour Organization (ILO) Convention No. 102, rules of employment loss insurance shall include term for the export of unemployment benefits to cross-border workers. The nature of unemployment benefits are cash benefits.³⁵ If the benefit is able to be withdrawn at sometime upon the raising of the conflict, or it can be withdrawn at a neighboring country, the poor social condition of workers in an armed conflict area can be eliminated.

2. Lesson learned from Armed Conflict of Ukraine, Israel, Palestine, and Libya and That in the Future

Law must be predictable, clear, exact, and unambiguous which is termed legal certainty. Law shall have clear grounds, purposes and content of regulations and legal consequences of a behavior. Legally certain Law is for long-term established guidelines along with justice and social peace.³⁶ Law must minimally protect human rights such as social security. Institutions to manage the social security are provided to avoid inconsistencies that might occur when different legislation provisions with the same goal are implemented. The rules are interconnected to control the life between individuals and state entities.³⁷

³⁴ Bazzhina, "Labour Activity as a Factor of Social, Economic and Emotional Well-Being of the Population."

³⁵ Yves Jorens et al., "Coordination of Long-Term Care Benefits: Current Situation and Future Prospects: Think Tank Report 2011" (Ghent, 2012).

³⁶ Alexandru Prisac, "General Alternative and Contractual Jurisdiction in Moldova and Romania Based on the Alternative Procedural Right of Parties," *Access to Justice in Eastern Europe* 6, no. 3 (July 31, 2023): 167–78, <https://doi.org/10.33327/AJEE-18-6.3-a000316>.

³⁷ Truman Packard et al., *Protecting All: Risk Sharing for a Diverse and Diversifying World of Work* (Washington, DC: World Bank, 2019), <https://doi.org/10.1596/978-1-4648-1427-3>.

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A worker is characterized of having a subordinate relationship with the employer.³⁸ He receives remuneration for the accomplishment of the service under a contract of employment and labor laws.³⁹ Direction, working for another, dependence, inclusion in the employer's organization are worker characteristics. The subordinate position even in need for protection for financial security in conflict uncertain economic situation. The government and the employer as those subject in higher position shall not allowed to hold their interest in utilizing the worker social security benefit to finance the war nor the employer effort to keep the worker to work by for example holding the benefit until pension age. Clear specific provision to avoid such intension of higher position subject need to be provided for worker protection upon conflict arising.

Social security is any social protection programs and arrangements stipulated by legislation with the aim to protect individuals with income security for: old age, survival, infirmity, disability, unemployment, and preventive measures provided by social insurance programs, social assistance programs, and national savings funds.⁴⁰ Under The International Covenant on Economic, Social and Cultural Rights, social security includes branches on: health care, old age, unemployment, work-related injuries, child support, maternity, disability, survivors.

The future of work needs equitable, inclusive social protection systems based on the principles of risk-sharing, which ensure protection to meet people's needs over the life cycle.⁴¹ Risk-sharing is a policy aimed at poverty prevention and subsidized protection from catastrophic losses, financed and it is mandated by the state, available to all people wherever and however they work.⁴² Labor law protection governs the rights and obligations of the government, employers, and employees to promote public welfare. Worker social security creates pattern in compelling workers to save and redistributing income.⁴³ Mandatory saving forces workers to pay for their own benefits

³⁸LexisNaxis, "Worker Definition," LexisNaxis Employment Expert, 2024, <https://www.lexisnaxis.co.uk/legal/glossary/worker>.

³⁹ Shinya Ouchi, "The Mechanism for Establishing and Changing Term and Conditions of Employment/ The Scope of Labor Law and the Notion of Employees," *JILPT Comparative Labor Law Seminar* (Tokyo, 2004).

⁴⁰ Abdel Hamid, Sherif, and Muhammad Al-Banan, *Right to Social Security in Countries of Armed Conflict*, 2023.

⁴¹ Christina Behrendt, Quynh Anh Nguyen, and Uma Rani, "Social Protection Systems and the Future of Work: Ensuring Social Security for Digital Platform Workers," *International Social Security Review* 72, no. 3 (July 10, 2019): 17–41, <https://doi.org/10.1111/issr.12212>.

⁴² Packard et al., *Protecting All: Risk Sharing for a Diverse and Diversifying World of Work*.

⁴³ Erin Cottle Hunt and Frank N. Caliendo, "Social Security and Risk Sharing: A Survey of Four Decades of Economic Analysis," *Journal of Economic Surveys* 36, no. 5 (December 10, 2022): 1591–1609, <https://doi.org/10.1111/joes.12492>.

in the event of employment. The parties to a conflict are obliged to ensure civilian health, food, relief assistance, work, and education but armed conflicts hinder social protection systems.⁴⁴

Social Security is one of those public goods which fulfilment needs the government involvement.⁴⁵ The government uses laws, taxes, and policies to compel everyone to contribute to public goods. It can also collaborate with businesses and civil society organizations. The actions of business companies can have a positive or negative impact on others' ability to enjoy their human rights.⁴⁶

Workers' social security is a type of protection intended for workers and their families against any risks such as: employment loss, lowering wage, work accident, elderly, health, and death.⁴⁷ Worker protection is reflected from the availability of positive law enforceable preventively and repressively in social security.⁴⁸ Worker social security can be in the forms of: repayment of wages, warranty and compensation during the suspension of the employment contract.⁴⁹ Involuntary Loss of Employment is unemployment resulting from an employer's choice to end an employee's employment contract. Unemployment insurance or unemployment benefits can effectively mitigate the immediate negative effects.⁵⁰ Worker social security refers to rules providing protection programs as public goods towards the income security of workers who are under employment contract in private sectors and experience employment loss, to acquire the benefit from unemployment insurance of which is the cooperation of government, worker, and employer.

Preventive Legal Protection is legal instrument to provide prevention before the occurrence of violations. The instrument as laws and regulations with the aim of preventing a violation from occurring and providing signs or limitations in carrying out

⁴⁴ Arlina Permanasari, "Humanitarian Law Principle On The Use Of Drones In International Armed Conflict," *Jurnal Dinamika Hukum* 18, no. 3 (2018): 310–18.

⁴⁵ Maurits de Jonghs, *Public Goods: Why Government Should Provide Them* (Utrecht: Utrecht University, 2021).

⁴⁶ UNHR, *The Corporate Responsibility to Respect Human Right* (Geneva: United Nation, 2012).

⁴⁷ Daniel Perwira et al., "Perlindungan Tenaga Kerja Melalui Sistem Jaminan Sosial: Pengalaman Indonesia," *SMERU Research Institute* (SMERU Research Institute, 2003).

⁴⁸ Amriyati Amriyati et al., "Women Worker Protection: A Systematic Review On Maternity Protection In Indonesia," *Devotion: Journal of Research and Community Service* 4, no. 2 (February 14, 2023): 392–401, <https://doi.org/10.36418/devotion.v4i2.394>.

⁴⁹ Kenneth A. Couch and Gayle L. Reznik, "The Incidence and Consequences of Private Sector Job Loss in the Great Recession," *Social Security Bulletin* 78, no. 1 (2018): 31–45.

⁵⁰ Dean R. Hyslop et al., "Involuntary Job Loss: Welfare Effects, Earnings Impacts and Policy Options," *SSRN Electronic Journal*, 2021, <https://doi.org/10.2139/ssrn.3937734>.

an obligation.⁵¹ The protection, according to Philipus M Hadjon, is to maintain the human dignity as the recognition of human rights possessed by legal subjects. Legal protection towards legal subjects is available by applicable laws and regulations, provided with sanction for any violation if it.⁵² Three objectives of law according to Gustav Radbruch, they are: justice, utility, and legal certainty.⁵³ Legal certainty serves to guarantee the appropriate application of the law, ensuring it does not result in harm to any individual as a loss such as during armed conflict situation. International Covenant on Economic, Social and Cultural Rights provides that everyone has the right to social security and the realization is made by national effort and international cooperation. ILO Unemployment Provision Convention and Recommendation 1934 provides that each member shall make every effort to include: loss of income as a result of partial unemployment; and wages suspension or decrease resulting from a brief cessation of labour. Therefore, the inclusions of worker social security are: national effort and international cooperation; the administration of employers, and employees; the form of universal schemes; social insurance schemes; or social assistance schemes; the minimum benefit; the condition of the entitlement to the benefit; and the period of the benefit as the entitlement.

National worker social security for employment loss is contained in national law for those workers generally in private sectors with employment contract. The Law provides program for employment loss benefit managed by the government, and generally with cooperation of employer, and worker. The poor social condition in armed conflict areas of Ukraine, Israel, Palestine, and Libya creates a concern to provide legal certainty of any social security for employment loss resulted from armed conflict. Certainty in national related law for workers to acquire employment loss benefit in armed conflict situation is by national effort and international cooperation to minimize the poor social condition. International cooperation can create easier access of the benefit withdrawal through concerned cooperated institution outside the conflicted area.

The primary legal framework of Ukrainian labour law consists of the Constitution, the Labour Code (henceforth, the LC), particular laws, and subordinate

⁵¹ Amriyati et al., "Women Worker Protection: A Systematic Review On Maternity Protection In Indonesia."

⁵² Amriyati et al.

⁵³ Fajar Ramadhan, Agus Mulya Karsona, and Holyness N Singadimeja, "Legal Certainty of the Right to Severance Pay for Workers Who Retire in Companies That Undergo Acquisitions," *Administrative and Environmental Law Review* 4, no. 2 (October 23, 2023): 151–64, <https://doi.org/10.25041/aclr.v4i2.3134>.

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legislation; collective agreements and individual employment contract.⁵⁴ The Constitution provisions upholds fundamental human and civil rights and freedoms, including the right to social protection in cases of unemployment.

The Law on the Organization of Labor Relations (LML) during Martial Law, is a particular labour law. It imposed in conjunction with armed conflicts, for short-term emergency measures, It limits the liberties and privileges enumerated in Articles 43 and 44 of the Ukrainian Constitution, giving employers the right to terminate an employee's employment at any time during their temporary incapacity for work or leave. Workers and employers can independently determine the form of the employment contract, whether it be verbal or written. Most rights and obligations are given to the parties, but it may narrow the labour rights.

The LML is uncertain since the aim to protect workers basic rights is not in harmony with the constitution, nor with the international tools in respect to employment contract becomes the main law on labour relations resulting in employer big role, the opposite of cooperation between governments, employers, and employees. The same objective of the provision in the constitution and that in the delegated legislation is not in harmony. Martial rule is to adjust to social interactions in armed conflict situation, yet the main basic rights protection to workers is somehow absent. Social protection of civilians also includes those disabilities including workers, which shall be secured without discrimination on any grounds.⁵⁵

The National Insurance Institute (NII) and the Ministry of Social Affairs are in charge of general operation of the social security system. A person's income determines how much they must contribute to national insurance. The benefits are provided for either jobless or unable working people.⁵⁶ In supporting beneficiaries of employment loss, social security institutions must cope with dysfunctional banks, post offices, and social security offices, as well as with unpredictable phone and internet connections. Pension fund social security beneficiaries may receive payments directly from the State Savings Bank of Ukraine at any branch office throughout the nation, they just need to show their

⁵⁴ Venediktov, "The Impact of the Armed Conflict on Labour Law: The Case of Ukraine."

⁵⁵ Nataliia Aliabieva and Lenur Kerymov, "The Right to Social Protection of Persons with Disabilities According to International Standards," *Social Legal Studios* 5, no. 1 (March 30, 2022), <https://doi.org/10.32518/2617-4162-2022-5-63-69>.

⁵⁶ *Israel Statutory and Private Employee Benefits Report Overview* (Global Data, n.d.).

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tax number and national ID. But it covers only pension funds, no specific rules apply the same for other employment loss were found for certainty.

A pension is a worker retirement benefit plan that entitles a former worker (or the beneficiaries) to receive a regular fixed payments during retirement. Employment Loss means any full-time worker who experiencing involuntary termination The worker losses his work other than retirement, a layoff, a reduction in hours of work of more than fifty percent (50%) or any other event such as the raising of an armed conflict which prevent the worker from being able to work.

A benefit of pension plan or employment loss plan is cash a worker receives which is calculated from the length of one's employment length and the received wages. The money to support the benefit is normally administered through a trust established by the employer under the Law. Related Law stipulates detail descriptions on the contribution plans: how much each, the worker, the employer, the government, requires to share periodically. It also outlines which employees must receive a pension (if they are offered). Benefits can be withdrawn after a worker has worked for a certain number of years and/or reached a given age.

State of Israel grants assistance for low paid worker, vocational trainee, inappropriate job worker. The qualifying period for unemployment benefits in Israel is 12 months of work. A person must be officially listed at the labor exchange as unemployed, prepared, and able to work at any acceptable job.⁵⁷ The payment is computed using the unemployed person's daily average earnings for the final 150 workdays of the qualifying period. The benefit amounts for 2021 are qualified: A person with one or more children, 28 years of age or older. During the Covid-19 crisis, this benefit was offered from August 2020 to June 2021. The least benefit duration is 50 days for an unemployed person with less than 3 dependents; and the longest duration is 175 days for an unemployed person aged 35 or over. Regardless of the number of days of eligibility, the benefit's term was prolonged until the end of June 2021 during the Covid-19 crisis (March 2020 to June 2021), provided there was no report of work.

Unemployment benefit is not paid for the first five unemployment days in each period of four consecutive months from the determining date. Israeli unemployment

⁵⁷ The OECD Tax-Benefits Database, "Description of Policy Rules for Israel 2021," The OECD, 2021, <https://www.oecd.org/en/topics/policy-issues/social-policy.html>.

benefits are not a means-tested benefit. People in need of financial help can receive a range of means-tested benefits and grants from Israel's social security system. The system includes income-transfer programs run by the National Insurance Institute and other government ministries. All citizens, permanent residents, and immigrants who are Jewish are covered by the National Insurance.

Israel worker social security programs are: not means-tested low-income workers assistance, and unemployment benefit, and means-tested financial help benefits. Their rules are legally certain and harmonious aim and values to the international too within national effort; program implement institutions; interconnected terms and conditions of individuals and state entities; the form of social insurance schemes; or social assistance schemes, in which unemployment benefit as one out of nine branches of social security is included.

Palestinian Social Security Corporation (PSSC), is assigned by the new Social Security Law No. 19 of 2016 to be responsible in managing the Palestine first all-inclusive social security program, which will include all employees in the private sector, 53 per cent of the workforce, and their families. Elderly, disable, pass away, employment injury or maternity are not covered. PSSC is supervised by a Board of Directors made up of government, labour, and employer representatives, and led by the Minister of Labor. The statute mandated that employee savings be transferred into this supplemental system, together with all worker allocations within the 1948 zones. This implied that one person might eventually control, invest, or maintain enormous quantities of money.⁵⁸ Social protection spending is mostly financed by contributions from outside sources, with fewer foreign contributors bearing a greater part of this burden. Almost all government initiatives are funded by tax revenues, the budget has no protections for social protection spending, and social security relies on risky private investment methods. The legislation should be primarily concerned with granting Palestinian workers legitimate rights to social security. Worker unions would be the appropriate organization to manage the fund, not as supervisor. Government and employers shall contribute to the social security fund, which amount necessary, based on their earnings, accordingly, if one employer makes

⁵⁸ Jaber, "The Social Security Law in Palestine: A Seek For Justice."

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more money than the other, it ought to make a larger contribution.⁵⁹ Worker social security as a branch of human rights is provided in Palestine's Constitution Article 10.1. In addition, welfare is a duty that shall be regulated by law as provided by article 22.2, these articles provide enough legal basis for further rules on worker social security, specifically upon employment loss, which may occur anytime during an armed conflict situation. However, no rules were found in the Law on it. Living uncertainty on worker social security upon employment loss, except employment loss on pension.

The 1951 Libyan Constitution promotes the state's commitment to providing decent standards of living. Social Insurance Law No. 53 of 1957 provides coverage and protection to all wage workers to maternal protections, retirement pensions, compensation for deaths due to work injury, and pension for survivors. Libya's Law No. 13 on Social Security (1980) stipulates social security inclusion as follows: social insurance instruments; social assistance instruments for emergencies and income loss; and social services such as health care and care for vulnerable groups. Libya has accepted unemployment benefits of ILO Social Security Convention No. 102. The Ministry of Social Affairs (MOSA), Social Solidarity Fund (SSF), and Ministry of Finance are the primary players in SP policymaking and are now carrying out the greatest programs in terms of coverage.⁶⁰ The existing social protection system is limited to some parts of society, such as those employed in the public sector, and does not encompass other sectors of society. Partnerships between the public and private sectors have particular challenges, such as the lack of institutional frameworks to oversee these sorts of programs and the legislation required to regulate these kinds of agreements. The Libya State's ability to provide public services and support low-income individuals, minimum wage workers, and vulnerable groups has also been compromised due to its unstable financial situation. It is necessary that the role of cooperation between the public and private sectors is increased.

Social protection systems give workers safety net against societal threats such as losing primary source of income, either permanently or temporarily, to ensure decent living. Social security system's legal structure that complies with ILO standards includes:

⁵⁹ Karam Omar, "Palestinian Opposition to Social Security: Revolution or Devolution," Al-Shabaka, 2019, <https://al-shabaka.org/commentaries/palestinian-opposition-to-social-security-revolution-or-devolution/>.

⁶⁰ Maya Hammad and Nourjelha Mohamed, "A Mapping of Libya's Social Protection Sector" (Brasilia, 2022).

tripartite stakeholders who are capable to create and carry out the social security policies benefit plans; social security benefit plans; and a legal framework of social security system. Tripartite administration collaboration of social security programs among governments, employers, and workers is to ensure unemployment benefit standards under the Social Security Convention 1952. Three major instruments for the design of unemployment protection in accordance with ILO standards are: the Social Security Convention 1952; Employment Promotion and Protection Against Unemployment Convention, 1988; Employment Promotion and Protection against Unemployment Recommendation, 1988.

Convention No. 102 is based on the following principles: assurance of specific benefits; guarantee of defined benefits; participation of employers and employees in the management of the schemes; overall state accountability for the equitable distribution of benefits and the proper administration of the institutions; Taxes and insurance payments are used together to fund the benefits.

The United States provided employment loss social security in detailed as standards such as: the Federal-State Unemployment Insurance Program for interim salary replacement for qualified workers who lose their jobs for no apparent reason. Unemployment insurance is funded by employer, employee, and the state. The rate amount paid by employer, employee, and the state, the benefit amount, the duration of receiving the fund, and the eligibility of worker receiving the fund is prescribed by the rule. Meanwhile Indonesia introduced its first

Unemployment benefit program in 2021, covering only workers who are already registered to the two public social security programs: the Social Security for Health and the Workers Social Security. For a maximum of six months, eligible workers receive cash benefits, which consist of 25% of their monthly income for the last three months and 45% of their monthly wage for the first three 0.46 percent of worker monthly salaries; the government contributes 0.22 percent of this amount, while the employer contributes the remaining 0.24 percent. It is to reach the goal as stated in the 1945 Constitution of the rights to work and humane livelihood earning. The protection of workers also stems from the understanding of the law role to maintaining human security and order.

Social protection is to ensure income security of workers. A social protection system includes preventive and remedial schemes operated by Governments, local authorities, enterprises of employment and non-governmental organizations. Social security is a branch of social protection. It contains benefits and compensatory government schemes. The schemes are social insurance and/or social assistance. The compensation or benefit covers illness, unemployment, maternity, disability and old age. the primary means to be less vulnerable in unexpected events including employment loss. Unemployment insurance shields workers from the worst effects of unemployment.

Social security benefit is granted when the workers are unemployed, at the same time the workers are also available for the labour market so that the obligation to pay is somehow secured. In connection with this, the benefit also includes assistance in finding new employment which is to be provided by the employment services to workers at any part of the cross-border areas.

3. Future Worker Social Security upon Armed Conflict Situation

The worker social security program can be implemented by governments, local authorities, employers, and NGOs. It can take the form of mandatory insurance or social assistance, aiming to prevent poverty through international collaboration. Under the mandatory scheme, workers contribute to their benefits, with additional support from employers and the government. This insurance helps workers maintain their standard of living in case of job loss due to armed conflict. Benefits are provided when workers meet specific criteria during conflict situations, while also being ready to re-enter the job market elsewhere. Cash benefits can be transferred to neighboring institutions through pre-established partnerships. The program may also offer job search assistance to workers willing to relocate across borders.

CONCLUSION

Social security provisions for employment loss in the event of armed conflict are not uniformly addressed in the national legislation of Ukraine, Israel, Palestine, or Libya. However, it is crucial for national social security frameworks to explicitly outline measures for employment loss protection to ensure legal certainty and preemptive

safeguards in the face of potential armed conflicts. Israel and Libya have demonstrated a legally sound and coherent approach to worker social security, aligning with international standards and values through national initiatives. These initiatives involve established institutions, clear terms and conditions governing relationships between individuals and state entities, and comprehensive social security programs encompassing both insurance and assistance schemes, including unemployment benefits as part of a broader framework. In contrast, Ukraine's implementation of martial law as a temporary emergency measure has led to restrictions on labor rights, including the provision of employment loss security, which diverges from international norms and the country's own constitution. The worker social security system in Palestine is characterized by governmental oversight risks, with concerns about one party controlling, investing, or managing significant amounts of workers' savings. To mitigate the impact of social conditions during armed conflicts, it is recommended to streamline the process for accessing insurance or social security benefits in cases of employment loss. For instance, benefits should be disbursed promptly, such as within a month of the conflict's onset, to assist workers facing challenges in maintaining their livelihoods. International collaboration is advised to facilitate benefit withdrawals in neighboring countries through relevant coordinating bodies, ensuring accessibility for affected individuals. Direct channels should be established to simplify the withdrawal process, bypassing bureaucratic hurdles between Social Security Funds and financial institutions. Clear consequences for non-compliance, particularly for fund-holding entities, should be outlined in national laws to uphold legal certainty, fairness, and worker welfare amidst conflict-related income disruptions. These measures aim to uphold social security as a human right, promoting stability and justice to prevent further conflicts.

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