



## JOHN RAWLS' JUSTICE REVIEW OF THE RETIREMENT AGE LIMIT FOR INDONESIAN WORKERS

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**(Naskah diterima: 1 October 2025, disetujui: 28 October 2025)**

### *Abstract*

*The regulation of the retirement age for workers constitutes a strategic component of labor policy and social protection systems, as it directly affects workers' economic security, the distribution of welfare, and social justice within industrial relations. In Indonesia, retirement age regulations remain fragmented and have not yet been consolidated into a unified legal framework, potentially resulting in unequal treatment among workers and uncertainty in social protection during the transition to retirement. This study aims to examine the regulation of workers' retirement age in Indonesia from the perspective of John Rawls' theory of justice, while also formulating normative implications for the development of socially equitable labor policies, particularly in ensuring equal opportunity and protection for workers from the most vulnerable groups. The study employs a normative legal approach, combining conceptual analysis with a review of statutory regulations. The conceptual approach is applied to investigate Rawls' theory of justice, particularly the principles of justice as fairness, fair equality of opportunity, and the difference principle, while the statutory analysis examines retirement age regulation within the framework of labor law and the national social security system. The findings indicate that the current regulation of workers' retirement age in Indonesia does not fully align with Rawlsian principles of justice. Regulatory fragmentation creates disparities in opportunities and social protection among workers, which cannot be morally justified within the framework of justice as fairness. The novelty of this study lies in its normative approach, which positions retirement age regulation as an integral element of the basic structure of society, while emphasizing the urgency of reconstructing retirement age policies based on the principles of fair equality of opportunity and the difference principle, so that the distribution of benefits for the least advantaged groups of workers becomes more equitable.*

**Keywords:** *Workers' Retirement Age; John Rawls's Justice; Justice as Fairness; Labor Policy; Social Protection*

### **Abstrak**

Pengaturan batas usia pensiun pekerja merupakan komponen strategis dalam kebijakan ketenagakerjaan dan sistem perlindungan sosial karena berpengaruh langsung terhadap keberlanjutan keamanan ekonomi pekerja, distribusi kesejahteraan, serta keadilan sosial dalam hubungan industrial. Di Indonesia, pengaturan usia pensiun masih bersifat terfragmentasi dan belum terkonsolidasi dalam satu kerangka hukum yang terpadu, sehingga berpotensi menimbulkan ketidaksetaraan perlakuan antarpekerja serta ketidakpastian perlindungan sosial pada fase transisi menuju purnakerja. Penelitian ini bertujuan untuk mengkaji pengaturan batas usia pensiun pekerja di Indonesia melalui perspektif keadilan John



Rawls, sekaligus merumuskan implikasi normatif untuk penyusunan kebijakan ketenagakerjaan yang lebih adil secara sosial, terutama dalam memastikan kesetaraan kesempatan dan perlindungan bagi pekerja dari kelompok yang paling rentan. Penelitian ini menggunakan pendekatan hukum normatif dengan metode konseptual serta analisis terhadap peraturan perundang-undangan. Pendekatan konseptual digunakan untuk mengkaji pemikiran keadilan John Rawls, terutama prinsip *justice as fairness*, *fair equality of opportunity*, dan *difference principle*, sementara analisis terhadap peraturan perundang-undangan dilakukan untuk meneliti pengaturan usia pensiun dalam kerangka hukum ketenagakerjaan serta sistem jaminan sosial di tingkat nasional. Hasil penelitian menunjukkan bahwa pengaturan batas usia pensiun pekerja di Indonesia belum sepenuhnya selaras dengan prinsip keadilan Rawlsian. Fragmentasi regulasi usia pensiun menciptakan ketimpangan kesempatan dan perlindungan sosial antarpekerja yang tidak dapat dibenarkan secara moral dalam kerangka keadilan sebagai *fairness*. Kebaruan dalam penelitian ini berada pada pendekatan normatif yang menempatkan pengaturan usia pensiun sebagai elemen dari *basic structure of society*, sekaligus menekankan pentingnya rekonstruksi kebijakan usia pensiun yang berlandaskan prinsip kesetaraan kesempatan yang adil dan *difference principle*, agar distribusi manfaat bagi kelompok pekerja yang paling kurang beruntung menjadi lebih merata.

**Kata kunci:** Usia Pensiun Pekerja; Keadilan John Rawls; *Justice as Fairness*; Kebijakan Ketenagakerjaan; Perlindungan Sosial.

## I. INTRODUCTION

Setting the retirement age for workers holds a strategic position in both employment policy and the social protection system, as it directly impacts the sustainability of workers' economic conditions, welfare distribution patterns, and the realization of social justice in industrial relations. Internationally, retirement age policy is not viewed solely as an administrative procedure terminating employment, but rather as part of public policy that impacts labor market dynamics, the protection of older workers, and the distribution of social benefits between generations. Various cross-country studies have shown that changes or uncertainty in retirement age settings often contribute to increasing inequality in welfare and economic vulnerability among workers approaching retirement.

In the context of Indonesian labor law, retirement age regulations have not been established within a unified and uniform legal regime, but are scattered across various laws and regulations and employment practices at the company level. While labor law does address retirement age (included in the provisions regarding exceptions to layoff notices), it can also be found in provisions regarding Social Security, various implementing regulations, and internal employer policies. This fragmented normative environment leads to differential treatment of workers based on business sector, employment status, and institutional policies, which in turn has the potential to create structural injustice in industrial relations. The

fragmentation of retirement age policies impacts the disparity in the fulfillment of workers' rights to pension security due to differences in retirement age limits. Yet, the fulfillment of these rights is part of the state's mandate to build a just and sustainable social protection system.

Normatively, the retirement age limit not only marks the end of the employment relationship but also determines the worker's position in the distribution of social rights and benefits after the productive work phase ends. Therefore, the regulation of the retirement age cannot be separated from the state's institutional design, which fundamentally regulates socio-economic relations, including the distribution of citizens' rights, obligations, and life opportunities. In this context, the aspect of justice is a fundamental dimension that cannot be ignored in the formulation and evaluation of the regulation of the retirement age limit for workers, especially when the policy directly impacts the social and economic conditions of the most vulnerable groups of workers.

However, the development of labor law studies in Indonesia still shows a tendency to place the regulation of the retirement age limit solely from the perspective of legal certainty and the fulfillment of normative protection. Existing literature generally focuses on the compliance of retirement age regulations with positive legal norms and their implications for the fulfillment of workers' rights during the transition phase leading up to and after the end of employment. This approach makes an important contribution to ensuring legal certainty, but it does not fully address the more fundamental issue of substantive justice. More specifically, little research has examined whether the formulation and implementation of retirement age limits have truly taken into account aspects of distributive justice and the appropriate level of protection for the most vulnerable groups of workers in the labor market.

In international academic studies, John Rawls's theory of justice is often used as a normative basis for assessing public policy and how the state distributes social welfare. Rawls formulated justice as fairness through two main concepts: guaranteeing equal basic liberties for everyone and principles governing the justification of socio-economic inequality. Such inequality is only acceptable if it is designed to improve the conditions of those who are socially and economically most vulnerable (the least advantaged). Furthermore, Rawls also places fair equality of opportunity as a primary prerequisite, ensuring that every individual

has a truly fair opportunity to access social and economic positions within the societal structure.

Several previous studies have attempted to link John Rawls's theory of justice to the formulation and evaluation of social policies, including those in the areas of social security and pension systems. Otsuka (2023), in his article "Fair Terms of Social Cooperation among Equals," positions the pension system as an integral part of the social cooperation scheme that must be regulated fairly from a Rawlsian justice perspective. This study confirms that pension regulations are not merely technocratic but reflect the state's moral responsibility to ensure the fair distribution of social benefits to citizens. However, Otsuka's study is conceptual-philosophical in nature and does not specifically examine the dimensions of labor law, particularly regarding the regulation of workers' retirement ages in the context of a developing country like Indonesia.

Furthermore, Samosir and Susanto (2025) examine the application of John Rawls's concept of justice as fairness to health policy in Indonesia. The study's findings confirm that the Rawlsian approach is relevant for examining whether public policies are truly designed to strengthen protection and increase social benefits for the most vulnerable groups. Despite its strong methodological relevance, this study's focus is limited to the health sector, and therefore does not elaborate on the application of Rawls's principles of justice in the labor sector, particularly regarding the regulation of retirement ages as part of the social protection system for workers.

Meanwhile, Kumolosari and Sumodiningrat (2024) examine the national social security system from the perspective of social justice and welfare distribution. This study emphasizes the urgency of protecting vulnerable groups within the Indonesian social security system. However, this study has not explicitly used John Rawls's justice framework and has not positioned the worker retirement age as a primary normative variable in the analysis of the distribution of justice and economic opportunity.

A review of previous studies reveals a research gap: the lack of studies that specifically and systematically analyze the regulation of the worker retirement age in Indonesia from a John Rawls's justice perspective. Previous research has not explicitly positioned workers as part of the least advantaged group directly impacted by retirement age policies, nor has it

examined whether the principle of fair equality of opportunity has been met in the current regulations in the labor and social security legal structures, as well as the difference principle.

Therefore, this study offers novelty by presenting a normative analysis that explicitly integrates John Rawls's theory of justice into the study of the retirement age regulation for workers in Indonesia. This research goes beyond examining the suitability of the retirement age regulation with applicable positive legal provisions, but also critically examines its justice orientation. The analysis aims to assess whether the retirement age policy has been formulated fairly, ensuring equal opportunities and adequate protection for workers who are socially and economically at their most vulnerable as they approach the end of their employment.

In accordance with the description presented, this study aims to analyze the retirement age regulation for workers in Indonesia from the perspective of John Rawls's justice and formulate normative implications for the development of a more socially just employment policy.

## **II. THEORITICAL STUDIES**

The theory of justice developed by John Rawls has had a significant influence on contemporary political and legal philosophy, particularly in discourses on the moral legitimacy of public policy and state institutional arrangements. In his landmark work, *\*A Theory of Justice\**, Rawls offers a model of normative reasoning that positions justice as the outcome of a rational and unbiased principle-selection procedure. This model is constructed through a hypothetical scenario, in which individuals are assumed to be in decision-making situations free from knowledge of their social status, level of well-being, or their potential actual position in society. This hypothetical construction is intended to eliminate the dominance of particular group interests in the formulation of principles of justice. By denying individuals access to information that could benefit their personal position, the principles chosen are expected to reflect a general standard of justice that is morally acceptable to all members of society. Within this framework, justice is not understood as the result of a compromise of interests, but rather as a normative order consciously designed to provide adequate protection, particularly for groups that are structurally most vulnerable.

In Rawls's normative construction, justice is realized through two main principles that operate simultaneously. The first principle affirms equal recognition of the fundamental

rights of every individual, while the second principle legitimizes social and economic inequality. Such inequality is only morally acceptable if it is structured to provide real benefits to groups that are structurally most disadvantaged. The application of this principle requires conditions of truly fair opportunity, so that differences in social position are not determined by chance or structural privilege. This framework is highly significant in the assessment of employment policies and social security schemes, given that both areas play a direct role in shaping employment opportunities, economic stability, and workers' well-being throughout their working lives and into retirement.

From a legal and public policy perspective, Rawls emphasized that justice is not measured solely by formal compliance with legal norms, but rather by how the basic structure of society regulates the distribution of rights, obligations, and social benefits. This basic structure of society encompasses the legal system, economic arrangements, and social policies, which collectively shape citizens' life chances. Thus, setting a retirement age is inappropriate if viewed solely as a technical mechanism for terminating employment relationships. Instead, it should be viewed as an element of social policy that influences the distribution of rights and benefits within the framework of communal life. Therefore, its assessment must be based on substantive considerations of justice.

In line with this view, various studies demonstrate that Rawls's theory of justice is widely used as a normative instrument in evaluating contemporary social policies. Hasanuddin (2018), for example, asserts that the concept of justice as fairness provides a strong evaluative basis for assessing whether public policies truly reflect social justice, particularly in providing adequate protection for individuals in the most vulnerable positions within the social structure. Within the framework of the welfare state, the Rawlsian approach helps shift the policy orientation from solely economic efficiency to the fulfillment of distributive justice.

John Rawls's approach to justice has begun to be applied, in a limited way, in Indonesian academic discourse to the analysis of certain public policies. Samosir and Susanto (2025), for example, used a Rawlsian approach to evaluate national health policies and demonstrated that the concept of justice as fairness can be used as a normative framework to test whether public policies actually produce substantive benefits for the most vulnerable

social groups. This finding confirms that Rawls's theory is not confined to an abstract philosophical realm but can be concretely operationalized in legal and public policy analysis.

However, most of these studies have focused on the health sector and have not explicitly linked Rawls's theory of justice to employment policies, particularly the regulation of worker retirement ages. This situation indicates a significant academic gap in expanding the application of the Rawlsian approach to assessing the fairness of other social policies that directly impact the sustainability of worker well-being.

In international literature, pension systems are increasingly understood as part of a long-term social cooperation scheme between the state, employers, and workers. Otsuka (2023) places pension systems within the framework of fair terms of social cooperation, which requires that their arrangements be designed in such a way that they align with the Rawlsian principle of distributive justice. According to Otsuka, the state's failure to establish a fair pension system has the potential to violate its moral obligation to protect individuals who have contributed significantly to social cooperation during their productive years.

In addition to normative studies, empirical research also shows that retirement age policies have significant implications for the well-being of older workers. A systematic study conducted by Pilipiec et al. (2021) revealed that changes in the retirement age have a direct impact on the health, well-being, and work participation of older workers, and have the potential to widen social inequality if not balanced with adequate protection. These findings emphasize that retirement age regulations should be examined not only from an economic or demographic perspective, but also by considering the dimensions of social justice.

Furthermore, Schokkaert and Van Parijs (2003) emphasized that pension system reform cannot be separated from considerations of social justice, particularly regarding the distribution of burdens and benefits between generations. According to them, pension policies designed solely based on fiscal or demographic considerations risk creating new inequalities if they fail to take into account the dimension of distributive justice. Reforms that ignore this aspect have the potential to disproportionately shift social burdens to certain groups, particularly workers with weaker economic and social positions.

In the Indonesian context, studies of the social security system and retirement age regulations indicate structural challenges in realizing social justice. Kumolosari and Sumodiningrat (2024) argue that the national social security system still faces problems in

benefit distribution, which does not fully favor vulnerable groups, particularly low-income workers and those with unstable employment status. Although this study emphasizes the urgency of social justice in social security protection, the analysis used does not explicitly adopt John Rawls's justice framework as a normative instrument.

Meanwhile, Dananjaya et al. (2022) highlighted that the Indonesian social security system is still in the transition phase toward a welfare state. This study uncovered various imperfections in worker protection, including pension regulations. These findings indicate that retirement age and pension benefit regulations have not been optimally integrated within a sustainable and equitable legal framework, potentially creating unequal protection for workers approaching retirement.

Other studies have also identified legal compliance issues in determining retirement ages, particularly in the private sector. Gunawan et al. (2025) revealed that retirement age determination practices that do not align with government regulations have the potential to harm workers and create legal uncertainty in employment relationships. On the other hand, Rahmatiah and Reski (2022) highlighted the weak protection of workers' rights in the implementation of old-age security and pension programs, which ultimately increases the risk of social injustice for workers in the transition to retirement.

Based on this review of international and national literature, it can be concluded that studies on justice, social security, and pension systems have developed significantly. However, a crucial research gap remains: the lack of studies that specifically and systematically analyze the regulation of workers' retirement ages in Indonesia using John Rawls's justice framework. Previous studies have not positioned retirement age policies as part of the basic structure of society, which must be examined based on the principles of fair equality of opportunity and the difference principle. Therefore, the Rawlsian approach offers important theoretical and normative contributions to enriching labor law studies, particularly in formulating more socially just retirement age policies.

### **III. RESEARCH METHODS**

This research employs a normative legal research approach, focusing on examining the applicable regulatory framework and conceptual framework related to the determination of the retirement age for workers in Indonesia. This approach was chosen because the research focuses on examining the value of justice in the design of legal regulations, not on empirical



observations of workers' behavior or personal experiences, but rather on analyzing the regulatory system and policy orientation within the national labor law regime.

This research utilizes two primary approaches: a statutory regulatory approach and a conceptual approach. The statutory regulatory approach is applied by critically examining various regulations related to the retirement age for workers, both those that explicitly regulate it and those that contain indirect provisions regarding the termination of employment relationships and the fulfillment of social security rights. The regulations analyzed include provisions in the Manpower Law, the National Social Security System Law, along with implementing regulations and normative policies developed in industrial relations practice. The review of these provisions is conducted in a structured manner to uncover regulatory inconsistencies and their consequences for the level of worker protection.

Meanwhile, the conceptual approach is used to examine John Rawls's theory of justice as the primary normative framework for assessing the regulation of the retirement age for workers. This approach emphasizes the meaning of justice as fairness, particularly the principle of equal opportunity and the principle of regulating inequality in favor of the most vulnerable, as well as its relevance in assessing employment policies as part of the basic structure of society. Through a conceptual approach, this research seeks to connect positive legal norms with moral-philosophical standards of substantive justice.

In addition to the normative and conceptual approaches, this research also utilizes a limited conceptual comparison approach by referencing international academic literature that examines pension policies and social justice issues within Rawls's framework. This approach is not intended to conduct a systematic or comprehensive comparison of laws between countries, but rather to enrich normative analysis by utilizing theoretical ideas and conceptual findings developing in global discourses on social justice, pension reform, and the protection of older workers. Thus, the comparison is conducted at the level of ideas and principles of justice, not at the level of transplanting positive legal norms.

The legal sources used in this research include primary, secondary, and tertiary legal materials. The primary materials include laws and regulations in the fields of employment and social security, while the secondary materials consist of textbooks and national and international journal articles discussing theories of justice, pension policies, and workers'

social protection. Tertiary legal materials are used as supporting materials to clarify the legal terms and concepts used.

The legal materials are analyzed qualitatively using deductive reasoning to draw normative conclusions from general legal principles to the specific issues under study. The reasoning begins with the general principles of Rawlsian justice as a normative premise, then is used to assess and critique the regulation of the worker's retirement age in Indonesian positive law. Through this analytical technique, the research not only captures the normative suitability of existing regulations but also reveals the tension between legal certainty and substantive justice in the regulation of retirement age.

Through this combination of methods and approaches, this research is expected to produce a systematic and argumentative normative study regarding the position of the regulation of the worker's retirement age from the perspective of John Rawls's justice, while simultaneously formulating a more socially just labor policy direction.

#### **IV. RESEARCH RESULTS**

This section presents the results of normative research obtained through an analysis of laws and regulations, legal doctrine, and various academic literature relevant to the regulation of the retirement age for workers in Indonesia, using John Rawls's theory of justice as the primary analytical framework. The discussion is directed at addressing two research focuses. First, to assess the extent to which the current regulation of the retirement age for workers reflects the principle of justice as fairness as developed by John Rawls. Second, to formulate the normative implications of these findings for the formulation and development of more socially just employment policies, particularly in ensuring equal opportunity and adequate protection for workers in the most vulnerable positions during the transition to retirement.

##### **1. Regulation of the Retirement Age for Workers in Indonesia from the Perspective of John Rawls's Justice**

Regulation of the retirement age for workers occupies a strategic position in labor law because it directly affects the distribution of rights, obligations, and social benefits in the employment relationship between workers and employers. From a social justice perspective, retirement age policy should not be treated solely as a technical procedure that terminates the employment relationship. Instead, these regulations play a role in shaping the social and economic conditions that determine the extent to which workers can access social security

protection, maintain economic stability, and ensure a decent standard of living after their employment ends. Therefore, discussions regarding retirement age limits require a normative-critical approach that goes beyond legal certainty and also assesses whether the policy results in real justice. Within this framework, John Rawls's theory of justice is relevant because it positions justice as a guiding principle in establishing a social and economic order that equitably determines individual life chances.

### 1.1. Normative Map of Worker Retirement Age Regulations in Indonesia

From a juridical-normative perspective, provisions regarding the retirement age limit for workers in Indonesia are not formulated in a single, comprehensive and integrated set of regulations. Instead, these provisions are scattered across various different legal frameworks, both within the employment regime and within the social security system. Law Number 13 of 2003 concerning Manpower does not contain explicit provisions regarding the retirement age as a national standard, but rather leaves its determination to depend on internal agreements or policies outlined in employment contracts, company regulations, or collective bargaining agreements. In fact, references to retirement age in the law can only be traced indirectly, namely through provisions exempting from the obligation to notify termination of employment, without any explicit normative parameters regarding the retirement age itself. Thus, from a positive legal perspective, determining the retirement age in an employment relationship essentially depends on the agreement of the parties, even though workers' bargaining positions in practice are often unequal.

The fragmentation of norms regarding retirement age in various legal instruments actually creates a misalignment between the labor law framework and the social security legal system, preventing the two from working together to provide protection for workers. Several legal studies have shown that differences in the legal basis and scope of retirement age regulations have implications for workers' status uncertainty as they approach retirement, and result in differential treatment among workers based on business sector and company policy. This situation reinforces the argument that retirement age regulations in Indonesia have not yet been developed as an integrated and coherent legal system to guarantee justice and social protection for workers.

Sitohang (2024) emphasized that the practice of setting retirement ages entirely at the discretion of internal companies tends to result in inconsistent treatment and has the potential

to harm workers, particularly private sector workers who have a relatively weak bargaining position in industrial relations. This situation demonstrates that the state has not yet fully implemented its active role in ensuring justice and equal legal protection for all workers, particularly during the transitional phase, when social and economic situations are most vulnerable, namely, the period leading up to retirement.

## 1.2. Retirement Age Regulations and Structural Inequality in Industrial Relations

From a Rawlsian perspective, the lack of integration in the regulation of workers' retirement ages can be understood as a manifestation of structural inequality in the basic structure of society. John Rawls asserted that the basic structure of society encompasses key institutions, including the legal system and social policy, which fundamentally determine the distribution of rights, obligations, and social benefits. If labor law and social security institutions operate separately without a consistent framework of principles of justice, the resulting distribution patterns have the potential to create systemic, not merely incidental, injustice.

Several international studies on retirement age policies show that differences in pension regulatory design and approaches have a direct impact on the well-being and economic security of older workers. Pilipiec, Groot, and Pavlova (2021), through a systematic review of retirement age increase policies in several countries, found that policies designed without considering workers' social conditions, health, and vulnerability actually have the potential to worsen the economic position of older workers. These findings are relevant to the Indonesian context, given that national retirement age regulations do not fully account for the heterogeneity of workers' conditions, both in terms of business sector, employment status, and level of access to social security.

In the national context, Dananjaya et al. (2022) show that the Indonesian social security system still faces serious challenges in realizing the principles of a welfare state, particularly in providing adequate protection for workers in the post-productive phase. This situation is exacerbated by industrial relations patterns that in practice often weaken workers' negotiating positions, particularly when companies unilaterally set retirement ages. This situation suggests that the problem of injustice in retirement age regulation is not solely caused by regulatory gaps or weaknesses, but is also influenced by the unequal power relations between workers and employers within the employment system.

### 1.3. Setting the Retirement Age from the Perspective of John Rawls' Principle of Justice

From John Rawls' perspective, the notion of justice as a normative principle does not stand alone but is structured through two fundamental principles: the guarantee of equal fundamental freedoms for every individual and the principle that inequality can only be justified if it provides the greatest benefit to the most disadvantaged party. These two principles work hand in hand with the demand for real and fair equality of opportunity. When applied to the context of setting a retirement age, these principles require that pension policies not only fulfill legal legitimacy but also ensure the fair distribution of social rights and benefits, particularly for workers who are structurally most vulnerable in the employment system.

Otsuka (2023) emphasizes that the pension system must be understood as part of a fair social cooperation scheme (fair terms of social cooperation). Therefore, its design and implementation must ensure the proportional distribution of benefits and protect every individual who has contributed to economic life during their productive years. However, in the Indonesian context, the retirement age regulation still demonstrates significant disparities in treatment among workers, based on sector, employment status, and institutional policies, without any normative justification consistent with the Rawlsian principle of justice.

Furthermore, the concept of fair equality of opportunity in Rawls's theory demands that employment policies not create unreasonable differences in opportunities, so that all workers have comparable access to maintaining their economic well-being, both nearing the end of their employment and in the post-retirement period. Findings by Kumolosari and Sumodiningrat (2024) indicate that Indonesia's national social security system still faces serious obstacles in realizing distributive justice, particularly for vulnerable workers with limited access to social security benefits. Therefore, from a Rawlsian perspective, the current retirement age regulation does not fully meet the demands of justice as fairness, as it is not consistently directed at maximizing protection and benefits for workers in the most vulnerable positions within the social and economic structure.

### 2. Normative Implications of Retirement Age Regulations for Workers Within John Rawls's Justice Framework

The analysis in the previous section indicates that the design of retirement age regulations for workers in Indonesia does not fully reflect the justice framework formulated

by John Rawls. This discrepancy is particularly evident in the suboptimal implementation of the principles of equal opportunity and the principle of protection for groups most disadvantaged within the employment structure. Therefore, this section focuses on examining the normative implications that can be drawn from these findings. These normative implications are not limited to technical improvements to legal norms but also encompass the orientation of employment policy formation that substantively reflects justice as fairness. Therefore, the discussion in this section serves as a conceptual link between Rawlsian theoretical evaluation and the need for positive labor law reform in Indonesia to achieve a more socially just order.

### 2.1. Implications for the Principle of Fair Equality of Opportunity in Retirement Age Policy

From the perspective of John Rawls's justice, the notion of fair equality of opportunity requires that everyone have equal opportunities to achieve social and economic status, while eliminating ethically unjustifiable structural barriers. This principle extends beyond the initial phases of the employment relationship, such as recruitment or promotion, to the final phases of the work cycle, including the transition to retirement. Therefore, retirement age policies should be consciously designed to avoid creating structural barriers that systemically disadvantage certain groups of workers.

In practice, retirement age regulation in Indonesia remains fragmented, spread across laws, implementing regulations, and internal company policies. This situation creates unequal opportunities among workers, where some workers, particularly in certain formal sectors, enjoy a higher retirement age with relatively adequate pension benefits, while workers in other sectors face early termination of employment without equal guarantees of economic continuity. This inequality contradicts the principle of fair equality of opportunity, as workers' opportunities to maintain economic security after employment are determined more by sector and institutional policies than by their own capacities, contributions, or actual needs.

Various empirical and normative studies have shown that non-uniform retirement age policies tend to widen social disparities among older workers. A study by Pilipiec, Groot, and Pavlova confirms that differences in retirement age policy design significantly impact the health, labor participation rates, and well-being of workers approaching retirement. From the perspective of John Rawls's framework of justice, these differences in policy impacts reflect

the state's suboptimal role in ensuring that every citizen enjoys equal economic and social opportunities through institutional arrangements that shape the fabric of shared life.

The normative implication of these findings is the need to establish a minimum retirement age standard within the national labor law framework, one that is not entirely left to market mechanisms or unilateral company policies. The state's responsibility in the labor sphere includes the obligation to ensure that the setting of retirement age limits for workers does not result in structural inequalities that repeatedly negatively impact certain groups of workers. This minimum standardization is not intended to eliminate regulatory flexibility, but rather to establish a fair and rational baseline of protection for all workers.

## 2.2. Implications for the Difference Principle and Protection of the Least Advantaged

Within Rawls's framework of justice, the second principle, known as the difference principle, positions social and economic inequality as inherently illegitimate. Such inequality is only normatively acceptable if its regulation substantially improves the position of the most vulnerable groups within the social and economic structure. In the context of setting retirement age limits, groups of workers approaching or entering retirement—particularly workers in the informal sector, labor-intensive sectors, and workers with limited social security protection—can be classified as the least advantaged group within the national employment structure.

However, the current retirement age regulations in Indonesia do not explicitly affirm the position of older workers as a group requiring special protection. Several studies have shown that workers approaching retirement often experience significant income declines and limited access to social security benefits, particularly when employment ends before full pension benefit requirements are met. This situation reflects structural inequality that is inconsistent with the difference principle, as the resulting inequality does not benefit the most vulnerable groups but instead deepens their economic vulnerability.

In international academic literature, Otsuka (2023) asserts that the pension system is part of a long-term social cooperation scheme that must be designed fairly to avoid placing a disproportionate burden on certain groups. According to the Rawlsian perspective, if a pension system fails to provide adequate protection during the most vulnerable phase of the working life cycle, it cannot be normatively justified. This view is relevant to the Indonesian

context, where many workers still face an unfair transition from work to retirement due to weak integration between retirement age regulations and social security.

Based on this analysis, the normative implication that can be drawn is the need to reconstruct retirement age policies that explicitly orientate themselves toward protecting the least advantaged groups. This policy reconstruction effort can be directed by emphasizing the normative link between determining the retirement age limit and ensuring workers' access to social protection instruments, including old-age security and pension programs. Within the Rawlsian framework of justice, the state is obliged to ensure that workers entering retirement are not in a worse economic condition than they were during their working lives, at least within the minimum threshold of just and dignified welfare.

### 2.3. Implications for the Development of Socially Just Employment Policies

Referring to the principles of equal opportunity and the difference principle in John Rawls's theory of justice, the regulation of retirement age must be understood as an integral part of employment policy aimed at realizing social justice. From Rawls's perspective, public policy is ideally formulated from the perspective of the original position, an imaginary situation in which policymakers are unaware of their social, economic, or social status. With the continued application of this approach, the formulation of retirement age policies should ideally prioritize substantive protection for individuals who are structurally at risk of occupying the weakest positions in employment relations.

Several studies on pension system reforms in various countries have shown that policies formulated without considering the social justice dimension tend to trigger public resistance and contribute to increasing economic inequality. This situation indicates that approaches that solely emphasize legal certainty or fiscal efficiency are inadequate. Therefore, Rawlsian analysis emphasizes the need for a paradigm shift in Indonesian labor law, from a formalistic orientation to a substantive justice approach that is more sensitive to social vulnerability.

Within this framework, lawmakers need to position retirement age regulation as an integral part of the basic structure of society, not simply a technical issue within individual employment relationships. This approach requires closer integration between the labor law regime and the social security framework, so that retirement age policy does not stand alone but becomes part of a coherent and equitable long-term social protection design.



Therefore, the normative implications of retirement age regulation from John Rawls's justice perspective demand comprehensive policy reform, oriented toward equal opportunity, protection of the most vulnerable groups of workers, and equitable distribution of welfare. Such reform is not only theoretically relevant in the discourse of social justice but also practically urgent in responding to the dynamics of demographic change and the structure of the workforce in Indonesia.

## **V. CONCLUSION**

This study aims to examine the retirement age regulation for workers in Indonesia through the perspective of John Rawls's justice and to formulate normative implications for the development of more socially just employment policies. Based on a normative analysis of labor law norms and the social security system, combined with the theoretical framework of justice as fairness, this study yields several key findings.

First, the retirement age regulation for workers in Indonesia does not fully reflect John Rawls's principles of justice, particularly regarding the principles of fair equality of opportunity and the difference principle. The fragmentation of retirement age regulations, from laws and derivative regulations to internal company rules, has resulted in differential treatment among workers that is not based on relevant Rawlsian moral considerations. This situation has implications for workers' unequal opportunities to maintain economic security during the transition to retirement, thus contradicting the principle of fair equality of opportunity.

Second, from the perspective of the difference principle, the current retirement age regulation has not been explicitly designed to provide the greatest benefits to the least advantaged workers. Older workers in the informal sector, labor-intensive sectors, and those with limited access to social security still face the risk of a significant decline in well-being upon retirement. The inequalities arising from differences in retirement age and access to pension benefits cannot be justified from a Rawlsian perspective, as they actually worsen the social and economic position of groups that should receive greater protection.

Thus, this study confirms that applying John Rawls's justice perspective to setting the retirement age for workers is not only theoretically relevant but also has practical urgency in responding to employment and social protection challenges amidst demographic changes and labor market dynamics in Indonesia.

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