

# Juridicial Review Of Good Looking Requirements On Job Vacancy Information

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## Judicial Review Of Good Looking Requirements On Job Vacancy Information

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### ABSTRACT

The purpose of this study was to determine how the rules of law and how legal certainly regarding the terms of good looking at job vacancy information, which is by methodempirical juridical research concluded : 1. that by including good looking requirements in employee vacancy information is a form of discrimination and violates the rules of law regarding the requirements that may be included in job vacancy information according to Article 15 P. 14 graph (3) of the Minister of manpower Regulation Number 39 of 2016 concerning the placement of Labor and Law Number 39 of 1999 concerning human rights. 2. employees who are hired should be seen from the abilities and competencies that match the demands of the job not from their physical appearance. 3. if a company requires good looking requirements, then these requirements do not need to be included in job vacancy information, because good looking has a subjective nature.

**Keywords :** Good looking, job vacancy information, discrimination

## INTRODUCTION

Indonesia is a country that has a very large population with the majority working in various sectors, such as banking, services, and agriculture. However, there are still problems in the field of employment, among which is the inequality in the terms of job vacancy information. One of the controversial work requirements is good looking or attractive appearance. In fact, the assessment of employee selection should be more determined by one's qualifications, experience, and work ability. Good looking itself is defined as a pleasant state, inviting attention, and has beauty in one's physical appearance or body. This then becomes a benchmark in terms of good looking. However, as a country that recognizes and protects human rights, Indonesia must apply human rights values in every applicable legislation and implement them in various fields of life, including in the field of employment.

The problem related to the requirement of good looking in employee selection in Indonesia is indeed a long debate. This is due to the influence of public perceptions that tend to view that someone who is good looking will be more confident, have good interpersonal skills, and can be a good representation for the agency. However, please note that good looking is not always related to one's physical beauty or good looks. A candidate who is considered to have a good looking could have a mediocre appearance, but is able to display the qualities and abilities desired by the agency. Therefore, agencies should not pay too much attention to a person's physical appearance, but rather consider qualifications, experience and work ability.

However, in reality, many agencies still consider good looking as one of the selection criteria when looking for candidates for a particular position. This can cause inequality in the terms of job vacancy information and is considered a form of discrimination for prospective workers. For example, a prospective worker who has better qualifications and experience but is less good looking compared to other prospective workers who are better looking but have less qualifications and experience, it will be difficult to compete in employee selection. This of course can be detrimental for prospective workers who have good skills and qualifications but are not selected just because they are not good looking.

This problem not only occurs in the selection of employees in the private sector, but also in the selection of employees in the public sector such as government. In some cases, elected public officials are often chosen based on physical appearance or attractive appearance, rather than ability and quality. This is of course detrimental to people who need quality and effective public services. Therefore, there is a need for efforts from the government and Related Agencies to change the mindset of the community in viewing good looking as the main requirement in employee selection. In addition, there is also a need for stricter law enforcement for agencies that still practice discriminatory employee selection.

In facing the problem of good looking requirements in employee selection, there needs to be a collaborative effort from all parties. Workers and prospective workers should pay more attention to their qualifications, experience, and work skills in increasing the chances of being selected in employee selection. Agencies and governments also need to strengthen employee selection systems that are based on qualifications and work ability, not just based on physical appearance. In addition, there needs to be a more active and effective campaign to change people's perception of looking good as a condition for getting a job.

The problem of good looking is also the subject of heated debate among psychologists and human resources experts. Some experts reveal that good looking can be a factor that affects

people's perception of a person's characteristics, so it can influence decisions in employee selection. However, some experts also argue that good looking does not have to be the determining factor in employee selection, as a person's qualifications, experience and work ability are more important in determining the success of a company.

In Indonesia, several companies and government agencies have taken steps to address the issue of discrimination in employee selection. One example is the implementation of zero discrimination policies in employee recruitment in several companies. This policy stipulates that prospective employees must be selected based on their qualifications, experience, and work ability, regardless of factors such as gender, race, religion, or physical appearance.

In conclusion, discrimination in employee selection in Indonesia is still a serious problem. The good looking factor is one form of discrimination that still occurs in the recruitment process in many companies. While this can affect people's perception of a person's characteristics, a person's qualifications, experience, and work ability are more important in determining the success of a company. Therefore, the implementation of the zero discrimination policy and the development of effective job training programs can help overcome the problem of discrimination in employee selection in Indonesia. In addition, the adoption of diversity and inclusion programs can also create an inclusive and welcoming work environment for all employees, regardless of their background or physical appearance.

## RESEARCH METHODS

This study uses normative research methods, which carry out several approaches, namely the statutory approach (statute approach), conceptual (conceptual approach), and cases (case approach). The data used in this study is divided into 2, namely primary and secondary data. Legal collection techniques, in accordance with the type of research used is normative legal research with the method of inventory and categorization of legal materials both primary legal materials, and secondary legal materials using prescriptive legal material analysis techniques.

## RESULTS AND DISCUSSION

### Understanding Job Openings And Recruitment

Job vacancy is a job opportunity at a certain position in the agency or place of business that is available to individuals or groups that have met the required requirements. In each job vacancy, usually will be listed the type of work along with the position / position that can be selected by job seekers. Job seekers themselves can choose certain positions or positions that are in accordance with their talents and skills. Job vacancies can be individual if they are only for individuals who have certain skills. However, it can also be a group if it includes the requirement that the job vacancy is only intended for individuals who are members of a certain group/container/institution.

Agency or place of business referred to in the job vacancy means the type of Independent Business, Business Entity or institution both formal and Non-formal that provides employment opportunities to others who have expertise in accordance with the required field. The type of independent business can be interpreted as shops, small and medium enterprises and other sectors. While business entities mean business sectors and industries that have licenses in the government. A simple example of a business entity is a factory and a company.

The institution or institution can mean schools, universities, banks and so on. (Nindhia, T. G. 2021)

In practice, job vacancy information can be found on mass media such as newspapers, magazines or company websites. Job information Advertising in the mass media is one of the initial recruitment activities that aim to disseminate job information. In the employment regulation, job vacancy information is regulated in Article 15 Paragraph (3) of the regulation of the Minister of manpower number 39 of 2016 concerning the placement of workers. This article states that job vacancy information must contain the number of job vacancies, type of Work, type of position and terms of office, place of work, working conditions and working time, wages, Social Security and other benefits, gender and age, and education and/or work competence.

Recruitment is one of the important parts in the management of Human Resources in a company. The recruitment process is usually done to find and select the best candidates who will join the company. However, in carrying out the recruitment process, companies must pay attention to applicable government regulations, especially related to Equal Employment Opportunity and labor protection.

In the recruitment process, companies must ensure that there is no discrimination in selecting candidates. Discrimination can be the unfair treatment of candidates based on race, religion, gender, or other factors that are not relevant to employability. Employers must pay attention to Equal Employment Opportunity to ensure that every candidate has an equal opportunity to join the company without being exposed to discrimination.

companies should also pay attention to labor protection in the recruitment process. Companies must ensure that candidates are not exploited or treated inhumanely during the recruitment process. This includes ensuring that candidates are not forced to provide irrelevant personal information or provide false information.

In carrying out the recruitment process, companies must also pay attention to the rules of government regulations related to foreign workers. Companies must comply with the rules issued by the government in the use of foreign labor, such as rules on work permits for foreign workers and restrictions on the number of foreign workers who can be employed.

In addition, companies must also pay attention to the provisions in labor regulations, such as provisions on minimum wages, working hours, and leave. The company must ensure that the hired employees have the same rights as other employees within the company in terms of wages, working hours and leave entitlements.

In conclusion, the company must pay attention to applicable government regulations in carrying out the recruitment process. The company must ensure that there is no discrimination in selecting candidates, pay attention to labor protection, and observe the provisions of labor regulations. By paying attention to this government regulation, the company can run a fair, transparent, and in accordance with applicable rules.

### **Objectivity Of The Recruitment Process And Human Rights**

Objectivity in the acceptance of job applications and human rights are two interrelated things and have a very important urgency in the world of work. When a company conducts a selection of prospective employees, they must ensure that the selection process is carried out objectively without any discrimination. Acceptance of a job application should be based on a

person's qualifications, experience, and work ability, not on appearance or other characteristics that are irrelevant to the job offered. (Santoso, 2018)

The urgency of objectivity in the acceptance of job applications can be seen from the perspective of employees and companies. From an employee's perspective, objectivity is very important because they want to be selected based on their work qualities and abilities, not because of factors that are irrelevant to the job. In a competitive world of work, every employee must have an equal chance of getting a job, and objectivity in the selection process is the main key to achieving this goal.

From the perspective of the company, objectivity in the acceptance of job applications is very important because it can help the company to find the right employee for the job offered. If the company selects employees based on factors that are not relevant to the job, then they may lose potential employees who are better qualified and can help the company achieve their business goals. In addition, objectivity in the selection process can also help companies to avoid lawsuits due to discrimination in the acceptance of job applications.

In addition, the urgency of objectivity in the acceptance of job applications is also closely related to human rights. In the world of work, human rights must be protected and respected, and objectivity in accepting job applications is one way to ensure that human rights are protected. Discrimination in the acceptance of a job application may violate a person's basic human rights, such as the right to work, the right to non-discrimination, and the right to equality before the law.

In the context of human rights, objectivity in the acceptance of job applications also relates to diversity and inclusivity. Companies must ensure that they not only hire people who have certain characteristics or backgrounds, but also take into account the diversity in their team. By accepting employees who have different backgrounds, companies can generate more innovative ideas and more creative solutions in solving business problems. (Nurhayati, 2020).

Objectivity in the recruitment of workers is very important for companies because it is directly related to the good name of the company. In this age of information and increasingly sophisticated technology, information about a company's performance and practices can be easily accessed by audiences. Therefore, companies need to pay attention to objectivity in worker recruitment to maintain the company's image and reputation.

The impact of recruitment is not objective to the good name of the company if the company does not pay attention to objectivity in recruiting workers, it will potentially cause several problems that can damage the good name of the company. (Nurmalia, 2018) for example, recruiting employees who are not in accordance with the required qualifications or competencies can have a negative impact on company performance and affect the quality of products or services produced. In addition, having employees who are unprofessional or behave unethically can damage the company's image and reputation in the eyes of the public.

Corporate culture and worker recruitment it is important for companies to ensure that the hired employees have values and culture that are in line with the company. It is important to maintain harmony between employees and management, and to strengthen the identity and branding of the company. In recruiting, companies should consider the company's values and look for employees who have the appropriate personality and characteristics.

Objective recruitment benefits to the good name of the company by paying attention to objectivity in recruitment, the company can guarantee that the recruited employees have the

ability and competence in accordance with job demands. In addition, hiring employees who have values and cultures that are in line with the company can strengthen the company's image and reputation in the eyes of the public. This can help the company in gaining support from customers, investors, and the wider community, as well as increasing the company's competitiveness in the market.

### **Legal Rules In Indonesia Related To Recruitment Process**

Laws related to recruitment in Indonesia are Law No. 13 of 2003 on Employment, Government Regulation No. 78 of 2015 on wages and regulation of the Minister of manpower No. 39 of 2016 on placement of Labor. The three laws contain important provisions related to recruitment in Indonesia. (Yudhishtira, 2018)

In Article 38 paragraph (2) of Law No. 39 of 1999 on Human Rights states "Everyone has the right to freely choose the job he likes and is also entitled to fair labor conditions". From this paragraph, the state should have guaranteed every citizen fair labor conditions. Discrimination can result in the reduction of human rights so it is important to avoid or eliminate discrimination in all areas of life, especially in terms of employment.

Labor law regulates the requirements that must be met by companies in recruiting labor. Article 6 of Law No. 13 of 2003 on manpower states that companies must comply with the principles of justice, equality, and non-discrimination in recruiting labor. This means that companies must not discriminate based on gender, religion, ethnicity, or socioeconomic status in the recruitment process.

In addition, Article 5 of Law No. 13 of 2003 on employment states that companies must provide equal opportunities to everyone who meets the requirements to get a job. In this case, the company must make a selection based on the qualifications, skills and abilities of the potential employee, not on family or friendly relations. (Firdaus, 2019).

Second, Government Regulation No. 78 of 2015 on wages also has a relationship with the recruitment process. Article 2 of the government regulation states that wages must be based on the principle of equality and non-discrimination. This means companies must provide equal pay for workers who have the same qualifications and jobs, regardless of gender, religion, ethnicity, or socioeconomic status.

In the employment regulation, information about job vacancies is regulated in Article 15 Paragraph (3) of the regulation of the Minister of manpower No. 39 of 2016 concerning the placement of workers (Permenaker No. 39/2016) stating that : "job vacancy information must contain (a) the number of job vacancies; (b) type of work; (c) type of position and terms of Office; (d) workplace, working conditions and working time; (e) wages, Social Security and/or job competency, and; (h) the period of fulfillment of labor demand". Everyone has the right to get a job, as long as he is able to do it. Many people have a good physique, but not necessarily they have more abilities and skills.

### **Fairness Analysis Of Job Openings**

First, there is a lack of clarity in the definition and criteria of good looking as a requirement on job vacancy information. Some agencies use different beauty standards, so there is a possibility of discrimination against prospective employees who do not fit these

criteria because the definition of good looking is subjective. Therefore, the term good looking should not need to be displayed in job vacancy information.

Second, there are different views on the effect of good looking on one's work performance. Some studies state that good looking can increase a person's self-confidence and interpersonal skills, so it can affect work performance. However, there is also a point of view according to which physical appearance should not be a decisive factor in the selection of employees, and it is more important to assess the qualifications, experience and work ability of a person.

Third, there is a need for strict supervision and action from related parties against discriminatory practices carried out by agencies in hiring employees. It aims to prevent discrimination and ensure that every prospective employee has the same opportunity to get the desired job position, in accordance with existing legal rules.

The need for a policy if the company still wants good looking to be one of the requirements, the policy can be done by not including good looking requirements in job vacancy information because good looking has an objective definition.

In addition to the Labor Law and Government Regulation No. 78 of 2015 concerning wages, there are still several other legal provisions that need to be considered by companies in the recruitment process in Indonesia.

Companies also need to pay attention to the provisions on discrimination in recruitment stipulated in law No. 39 of 1999 on Human Rights. This provision prohibits discrimination based on race, religion, sex, ethnicity, and social status in all aspects of life, including in the recruitment process.

Therefore, companies must ensure that the recruitment process is fair and non-discriminatory, and pay attention to the cultural and background diversity of the candidates applying for jobs.

Finally, the requirement of good looking at job vacancy information will certainly affect workers who feel they are not included in the criteria of interest. This will certainly be a form of unfair treatment of labor that does not fit the criteria of good looking.

In conclusion, in addition to Law No. 13 of 2003 on employment and Government Regulation No. 78 of 2015 concerning wages, there are still several other legal provisions that need to be considered by companies in the recruitment process in Indonesia. Companies should pay attention to the provisions on discrimination in recruitment. Understanding and complying with these provisions will help the company run the recruitment process professionally and avoid legal sanctions that can harm the company.

## CONCLUSION

Based on the juridical review of the good looking requirements on job vacancy information, it can be concluded that the good looking requirements cannot be used as a basis in the recruitment process. This is contrary to the principle of non-discrimination in labor law which prohibits discrimination of any kind in employment.

Companies must comply with applicable legal provisions related to the recruitment process, including labor laws, government regulations, and other relevant legal rules. The company must also ensure that job vacancy information submitted is not discriminatory and is able to create equality in job competition.



In addition, companies must pay attention to labor rights, including the right to be treated fairly and equally in the recruitment process. Companies must ensure that the recruitment process is transparent and impartial, and avoid discrimination based on factors such as gender, religion, ethnicity, race, and other discrimination.

In the case of good looking terms on job vacancy information, companies should avoid using words that can create a discriminatory impression and prioritize abilities and qualifications that are relevant to the job offered. The company must also ensure that the good looking standards used as a reference are not discriminatory and objective.

Thus, the company must pay attention to the juridical aspects in the recruitment process to ensure that the process is carried out in a fair, equal manner and in compliance with applicable legal provisions. This will create a healthy and productive working climate and safeguard labor rights and the principles of equality and justice in labor relations.

If a company wants to provide good looking terms, it would be better if the good looking terms are not explicitly included in the job vacancy information, because by including good looking terms is a form of disharmony between agencies with regulations that regulate and the definition of good looking is subjective.

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