



Legal Protection for Workers Experiencing Depression Due to Workplace Bullying: Reconstructing Corporate Responsibility in Indonesian Labor Law

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Abstract

Workplace bullying has emerged as a significant issue affecting workers' mental health and well-being. In many cases, repeated psychological intimidation, humiliation, or exclusion in the workplace can have serious mental health consequences, including depression. Despite growing awareness of mental health protection in employment relationships, Indonesian labor law does not explicitly regulate workplace bullying or corporate liability for psychological harm experienced by workers. This normative legal research aims to analyze the existing legal protection framework for workers experiencing depression due to workplace bullying and to reconstruct the concept of corporate liability in Indonesian labor law. This research uses legislative, conceptual, and comparative approaches by examining relevant laws and regulations, legal doctrine, and international standards related to mental health protection in the workplace. The research findings show that Indonesian labor regulations still focus on physical aspects of occupational safety and health, leaving significant regulatory gaps regarding psychological safety in the workplace. Consequently, workers experiencing depression due to workplace bullying often face difficulties in obtaining effective legal remedies. This study proposes a reconstruction of corporate responsibility through the integration of psychological safety aspects into occupational health protection, the application of the corporate duty of care principle, and the establishment of preventative mechanisms within corporate governance. This reconstruction is expected to strengthen legal protection for workers' mental health while encouraging the creation of more humane and equitable industrial relations.

INTRODUCTION

The development of the modern workplace is characterized by increasing competition, target pressure, flexible employment relationships, and digitalization, all of which have changed interaction patterns in industrial relations (Sadrina, 2025). This transformation not only brings efficiency but also gives rise to new non-physical risks, namely psychosocial risks or psychosocial hazards, which are increasingly dominant in the contemporary work environment. While worker protection previously focused more on the risks of workplace accidents and physical occupational diseases (Riyayan & Wardani, 2024), there is now a growing understanding that mental health is an integral part of occupational safety and health ((Hartono, Oktaviana, & Insani, 2024). The concept of mental health at work promoted by the

World Health Organization emphasizes that a healthy work environment must include psychological conditions that are safe and free from pressures that undermine human dignity (Hadiansyah et al., 2025). In this context, workplace bullying has emerged as a global phenomenon and one of the most serious forms of psychosocial risk in modern employment relations because it is directly related to power relations, organizational structures, and unhealthy work cultures (Silviandari, 2018).

From an industrial relations perspective, workplace bullying cannot be viewed as a simple interpersonal conflict, but rather as a structural phenomenon reflecting unequal power relations between perpetrators and victims in the workplace (Chandra & Rakhman, 2025). Conceptually, workplace bullying is characterized by repeated and systematic actions that place victims in a powerless position, whether through verbal insults, social exclusion, disproportionate workloads, or acts of sabotage against workers' performance (Majid, 2024). These characteristics indicate that workplace bullying is a form of abuse of power rooted in organizational structures and corporate governance; therefore, it cannot be resolved through a purely personal or ethical approach (Silviandari & Fadilla, 2018). Accordingly, a legal approach is crucial to intervening in this practice, especially because its impact is not only individual but also reflects a systemic failure to create a just and humane work environment.

In terms of impact, various studies show that workplace bullying has a strong correlation with mental health disorders such as depression, anxiety, and burnout, which can significantly reduce workers' quality of life. These impacts are not limited to individuals but also affect organizations through decreased productivity, increased absenteeism, and broader economic losses (Rudianto, Erwandi, Lestari, & Kadir, 2021). From a legal perspective, this condition confirms that protecting workers' mental health is no longer a secondary issue but rather a fundamental workers' right that must be guaranteed by the state and employers. This recognition aligns with the development of the concept of occupational safety and health, which has evolved to include psychological safety, whereby workers have the right to a work environment that is not only physically safe but also mentally safe (Sitasari, Claudia, Rozali, & Respati, 2025). Thus, the principles of dignity at work and a safe working environment serve as normative foundations that demand more progressive legal intervention to protect workers from workplace bullying.

However, under Indonesian labor law, the protection of workers' mental health still faces significant normative limitations. The provisions in Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, have essentially recognized workers' rights to occupational safety and health protection, as reflected in Article 86 paragraph (1), which states that every worker has the right to receive protection for occupational safety and health, morals and decency, as well as treatment in accordance with human dignity (Woro & Denna, 2025). However, this norm has not been further elaborated to explicitly include protection for mental health, especially in relation to workplace bullying. Likewise, Law Number 1 of 1970 concerning Occupational Safety remains oriented toward physical safety aspects in the workplace, such as preventing workplace accidents and controlling physical hazards, without accommodating psychosocial risks as part of the object of legal protection (Mustamin, Santoso, & Sajidin, 2022). The absence of a normative definition of workplace bullying and the absence of a specific legal protection mechanism reveal a normative vacuum that directly weakens the legal position of workers.

The urgency of this research is amplified by several converging factors. First, the global ratification of ILO Convention No. 190 concerning Violence and Harassment in the World of Work has reached sufficient ratifications to enter into force, creating international normative pressure on Indonesia to align its domestic laws. Second, Indonesia's Job Creation Law, namely Law Number 6 of 2023, amended the Manpower Law but did not address mental health protection or workplace bullying, representing a missed legislative opportunity. Third, documented cases of workplace bullying resulting in worker suicide have emerged in Indonesian media, highlighting the life-and-death implications of this issue. Fourth, the WHO's Mental Health at Work guidelines emphasize that employers have a legal and ethical obligation to prevent psychosocial risks.

The novelty of this research lies in its reconstruction of corporate responsibility for workers' mental health protection through the integration of the corporate duty of care principle into Indonesian labor law. Unlike previous studies that focus on individual perpetrator liability or general occupational safety obligations, this research proposes that corporations have an active preventive obligation to create psychologically safe work environments. This research also provides concrete legal drafting proposals for amending the Manpower Law to explicitly recognize workplace bullying as a violation of employment relations and to establish corporate liability for failure to prevent, identify, and address bullying. Furthermore, this research develops a compliance framework for Indonesian corporations to meet the standards of ILO Convention No. 190.

This normative vacuum has serious legal implications, particularly in terms of evidence and law enforcement. Without clear legal recognition, workplace bullying is often reduced to a simple interpersonal conflict and therefore fails to receive adequate treatment within the labor law framework. Consequently, workers who experience depression due to workplace bullying face difficulties in filing legal claims because of the lack of a strong normative basis for holding employers accountable. Furthermore, the concept of corporate responsibility in Indonesian labor law still tends to be based on direct fault or fault-based liability and does not accommodate responsibility for a company's failure to create a psychologically safe work environment (Gabe, Santoso, & Dwithia HP, 2024). In fact, in modern legal development, the principle of corporate duty of care is recognized, placing companies under an active obligation to prevent risks, including psychological risks, in the workplace. The absence of this principle in the national legal framework further emphasizes the need to reformulate the concept of corporate responsibility.

From a comparative perspective, international standards such as ILO Convention No. 190 explicitly recognize violence and harassment in the world of work, including workplace bullying, as violations of human rights and threats to workers' equality and dignity. Several countries have even adopted regulations that explicitly address workplace bullying and require companies to implement effective prevention and response mechanisms. This development demonstrates a global trend toward strengthening protection for workers' mental health as part of a modern labor law regime. Therefore, in the Indonesian context, it is urgent to reconstruct labor law by developing a concept of corporate responsibility that focuses not only on physical aspects but also includes obligations to ensure workers' psychological safety. This reconstruction needs to be directed toward integrating the principle of corporate duty of care, normative recognition of workplace bullying, and the establishment of effective preventive and

repressive mechanisms, thereby filling the normative gap and realizing comprehensive legal protection for workers facing psychosocial risks in the workplace.

METHOD

This research employs a normative juridical legal research method that focuses on the analysis of legal norms governing worker protection, particularly those related to mental health and corporate responsibility in employment relations. The approaches used include a statutory approach and a conceptual approach. The statutory approach is carried out by systematically reviewing various relevant laws and regulations, such as Law Number 13 of 2003 concerning Manpower which was updated by Law Number 6 of 2023 concerning Job Creation, Law Number 1 of 1970 concerning Occupational Safety, and other regulations related to occupational safety and health, to identify normative gaps and regulatory weaknesses in protecting workers' mental health. Meanwhile, the conceptual approach is used to review and develop relevant legal concepts, such as workplace bullying, corporate duty of care, and psychological safety from the perspective of modern legal doctrine, including by referring to principles developed in international instruments such as ILO Convention No. 102/2003. 190. The legal materials used consist of primary legal materials in the form of statutory regulations, secondary legal materials in the form of academic literature, scientific journals, and previous research results, and tertiary legal materials to support understanding of terminology. All of these legal materials are analyzed qualitatively using descriptive-analytical techniques to find legal arguments that can explain the problems and formulate an ideal legal construction for the renewal of Indonesian labor law.

RESULTS AND DISCUSSION

Legal Construction of Workplace Bullying as a Psychosocial Risk in Employment Relations

Workplace bullying, in the development of modern employment law, must be understood as a psychosocial hazard that has serious implications for workers' mental health. In the context of employment, this action is not simply an interpersonal conflict, but rather a systematic, repetitive pattern of behavior based on an unequal power relationship between the perpetrator and the victim. These characteristics position workplace bullying as a form of abuse of power rooted in organizational structures and work culture, thus requiring a more comprehensive legal approach. (Noval, 2021) From a legal perspective, this situation demands recognition that worker protection is not limited to physical aspects but also encompasses the psychological dimension as an integral part of workers' rights in industrial relations.

The development of the concept of occupational safety and health (OSH) indicates a paradigm shift from the traditional approach focused on preventing workplace accidents to a more holistic approach that encompasses workers' mental health. In the Indonesian legal system, regulations regarding occupational safety are regulated by Law Number 1 of 1970 concerning Occupational Safety, which, in Article 3 paragraph (1), stipulates occupational safety requirements to prevent occupational accidents and diseases. However, these norms still focus on physical hazards and do not explicitly cover psychosocial risks such as workplace bullying. However, if interpreted progressively, the phrase "occupational disease" should be expanded to include mental health disorders arising from an unhealthy work environment,

including systematic bullying practices. (Shafa, 2025)

In protecting workers' rights, Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, provides an important normative foundation, particularly in Article 86 paragraph (1), which states that every worker has the right to protection of occupational safety and health, morals, and decency, as well as treatment in accordance with human dignity. This provision implicitly includes protection for workers' psychological aspects, as workplace bullying is fundamentally a violation of morals, decency, and human dignity. Furthermore, Article 86 paragraph (2) emphasizes that such protection efforts must be implemented in accordance with applicable laws and regulations, opening up space for the development of more specific norms regarding the protection of workers' mental health in employment relationships (Nooryanto, Prihatin, & Dewi, 2023).

Protection of workers' dignity can also be linked to the provisions of the 1945 Constitution of the Republic of Indonesia, specifically Article 27 paragraph (2), which guarantees the right of every citizen to obtain employment and a decent living for humanity, and Article 28D paragraph (2), which affirms the right to work and to receive fair and adequate remuneration and treatment in employment. Workplace bullying that causes psychological distress and depression clearly contradicts the principles of "decent living" and "fair treatment," and therefore can be classified as a violation of workers' constitutional rights (Hansen, 2023). Therefore, protection of workers' mental health is not only based in labor law but also rooted in constitutional guarantees (Fa Izzah & Kusumawati, 2024).

From an international perspective, the World Health Organization affirms that mental health in the workplace is an essential component of workers' well-being, and that a poor work environment, including bullying and harassment, is a major risk factor for mental disorders such as depression and anxiety. This view is reinforced by ILO Convention No. 190, which recognizes that violence and harassment in the workplace, including psychological violence, constitutes a violation of human rights and a threat to workers' equality and dignity. This instrument also emphasizes the obligations of states and employers to prevent, protect, and address cases of violence and harassment in the workplace, including through effective policies and mechanisms (Cahyani, 2024).

Thus, the legal construction of workplace bullying as a psychosocial risk in employment relations requires a progressive reinterpretation and development of Indonesian labor law norms. Although the existing legal framework provides a basis for protection through various statutory provisions, there is no regulation that explicitly recognizes and regulates workplace bullying as a work risk that must be prevented and addressed. Therefore, strengthening norms is necessary through the integration of the concept of psychological safety into the occupational safety and health system, as well as affirming corporate responsibility in creating a work environment free from bullying practices. This approach is not only in line with developments in international law but also a logical consequence of the recognition of human dignity as a fundamental principle in labor law.

Limitations of Regulations and the Lack of Norms in Legal Protection for Workers Victims of Workplace Bullying in Indonesia

Indonesia's labor regulatory framework has essentially provided a foundation for worker protection, but it still shows significant limitations in addressing the phenomenon of workplace

bullying as a psychosocial risk. In Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, Article 86 paragraph (1) does guarantee workers' rights to protection of occupational safety and health, morals, and morality. However, this norm remains general and does not explicitly address the protection of workers' mental health. The absence of specific regulations regarding workplace bullying makes this norm difficult to implement in practice, especially when faced with cases of a psychological and invisible nature. As a result, the protection provided tends to be declarative and unable to address the real needs of workers experiencing mental stress due to an unhealthy work environment.

Similar limitations are also evident in Law Number 1 of 1970 concerning Occupational Safety, which serves as the primary basis for occupational safety regulations in Indonesia. The provisions in Article 3, paragraph (1) regulate occupational safety requirements that focus on preventing occupational accidents and illnesses. However, in substance, they are still dominated by physical approaches, such as securing work equipment, the work environment, and hazardous materials. There are no norms that explicitly recognize psychosocial risks as part of the object of protection, so workplace bullying is not included in the category of occupational hazards that companies are required to prevent. It indicates a gap between the development of scientific knowledge regarding occupational health and the applicable legal framework, where the law has not fully accommodated the psychological dimension as part of occupational safety.

The absence of a legal definition of workplace bullying in national legislation also raises serious issues in terms of interpretation and enforcement. Without clear normative boundaries, law enforcement officials and industrial relations institutions tend to have difficulty qualifying an act as a violation of the law. In empirical practice, many cases of workplace bullying are categorized as ordinary interpersonal conflicts or work discipline issues, and therefore are not followed up through the appropriate legal mechanisms. This situation is exacerbated by Indonesia's still-hierarchical work culture, where actions by superiors against subordinates are often not questioned even if they contain elements of excessive psychological pressure. The implications of this normative vacuum are particularly pronounced in terms of proof and access to justice for workers. Unlike workplace accidents, which have clear physical evidence, workplace bullying is latent and often undocumented. As a result, workers who experience depression or mental health problems due to bullying face difficulties in proving a causal link between the actions they experienced and their health condition. In the context of industrial relations procedural law, this places workers in a weak position because the burden of proof rests with the injured party. Empirically, many workers ultimately choose to resign without taking legal action, allowing workplace bullying to persist without accountability.

Furthermore, the approach to corporate responsibility in Indonesian labor law tends to be reactive and based on direct fault (fault-based liability). In Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, employer responsibility is more often associated with concrete violations, such as unlawful termination of employment or violations of workers' normative rights. There are no regulations that emphasize the company's active obligation to prevent psychological risks in the workplace. In empirical practice, this is reflected in the lack of internal company policies specifically addressing the prevention and handling of workplace bullying, as well as the absence of a

secure reporting mechanism for victims. As a result, companies tend to only act after tangible harm has occurred, rather than taking preventative measures.

It can be concluded that the limited regulatory framework and lack of norms in Indonesian labor law have created significant protection gaps for workers who are victims of workplace bullying. Normatively, existing regulations have not been able to accommodate the evolving concept of mental health as part of workplace safety, while empirically, workers face various obstacles in obtaining effective legal protection. This situation indicates an urgent need for legal reform through explicit recognition of workplace bullying, strengthening of protection mechanisms, and reformulating corporate responsibilities that are more responsive to psychosocial risks in employment relationships.

Reconstruction of Corporate Responsibility in Protecting Workers' Mental Health Due to Workplace Bullying

Reconstructing corporate responsibility for protecting workers' mental health from workplace bullying is an urgent need in reforming Indonesian labor law, given the limitations of the current approach, which relies on the principle of fault liability. Within the existing legal framework, employer responsibility generally only emerges after a directly demonstrable violation occurs, while psychological risks such as workplace bullying are often latent and not immediately detected. Therefore, a paradigm shift is necessary toward the principle of corporate duty of care, a legal obligation that places companies in an active role in preventing, identifying, and addressing risks that could harm workers, including risks to mental health. This principle aligns with the mandate of Article 86 paragraph (1) of Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, which recognizes workers' rights to occupational safety and health protection and treatment in accordance with human dignity, which must progressively be interpreted to include psychological safety.

Integrating psychological safety aspects into the occupational safety and health (OSH) system is the first concrete step in this legal reconstruction. To date, the OSH regulations in Law Number 1 of 1970 concerning Occupational Safety, particularly Article 3 paragraph (1), are still oriented toward preventing physical hazards. Therefore, a reformulation of norms is needed that explicitly incorporates psychosocial risks as part of the OSH protection objectives. Specifically, companies should be required to periodically identify and assess psychosocial risks (psychosocial risk assessments), just as they do physical risk assessments. The results of these assessments should then be integrated into the company's risk management policy, so that workplace bullying can be recognized as a potential hazard that must be prevented early, rather than only addressed after the impact has occurred.

The next concrete step is the normative recognition of workplace bullying as a violation of employment relations with legal consequences. It can be achieved through derivative regulations or revisions to laws that provide a clear definition of workplace bullying and its elements, such as its recurring nature, the existence of unequal power relations, and the impact on workers' mental health. This normative definition will create legal certainty in the law enforcement process, both in the resolution of industrial relations disputes and in labor oversight mechanisms. Furthermore, this recognition will also encourage a shift in legal culture in the workplace, where bullying is no longer considered normal or part of the work dynamic,

but rather a violation that must be prevented and prosecuted.

In the context of implementation at the corporate level, a comprehensive and binding internal anti-bullying policy is required. This policy must include clear standards of conduct, a prohibition against all forms of bullying, and a safe and confidential reporting mechanism for victims. Specifically, companies can establish a special unit or committee to handle complaints related to workplace bullying, provide an anonymous reporting channel (whistleblowing system), and guarantee protection for whistleblowers from repressive actions. Furthermore, companies must conduct regular training and outreach to all employees and management regarding the importance of maintaining a psychologically healthy work environment. This step is not only preventative but also builds collective awareness regarding the importance of respecting worker dignity.

The reconstruction of corporate responsibility must also include effective handling and recovery mechanisms for victims of workplace bullying. Specifically, companies should be required to conduct objective and transparent internal investigations into every report received and impose proportionate sanctions on perpetrators. Furthermore, companies must provide access to counseling services or psychological support for victims as part of their remedial responsibility. In certain cases, if a company is proven to have been negligent in preventing or addressing workplace bullying, the company must be held accountable, either through compensation to the victim or administrative sanctions. This approach reflects a shift from reactive responsibility to preventive and restorative responsibility.

As a reference in formulating a more comprehensive regulatory model, international standards such as ILO Convention No. 190 provide a clear framework regarding the obligations of states and employers in preventing and addressing violence and harassment in the workplace, including psychological violence. This convention emphasizes the importance of an integrated approach, encompassing prevention, protection, law enforcement, and redress. By adopting these principles, the reconstruction of corporate responsibility in Indonesian labor law can be directed towards the establishment of a more progressive, responsive, and equitable protection system. Ultimately, these concrete steps are expected to not only fill the gaps in existing norms but also encourage the creation of a work environment that upholds human dignity and guarantees workers' mental health as part of fundamental rights in the employment relationship.

CONCLUSION

The conclusion of this study indicates that workplace bullying is a serious phenomenon in modern employment relations, impacting not only workers' mental health but also revealing structural weaknesses in the Indonesian labor law system. Although normative worker protection has been recognized in Law Number 13 of 2003 concerning Manpower, which was updated by Law Number 6 of 2023 concerning Job Creation, specifically Article 86 paragraph (1), and in Law Number 1 of 1970 concerning Occupational Safety, existing regulations are still oriented towards physical safety aspects and do not explicitly accommodate psychosocial risks such as workplace bullying. The absence of a normative definition and specific protection mechanisms has created a legal vacuum that impacts the weak position of workers in obtaining protection and justice. Therefore, legal reconstruction is needed that places corporate responsibility not only as a form of accountability for violations that have occurred, but also as a preventive obligation to create a psychologically safe work environment through the

application of the principle of corporate duty of care.

Suggestions include the need to update Indonesian labor law by explicitly recognizing workplace bullying as a violation of employment relations and integrating mental health aspects into the occupational safety and health system. The government needs to develop more comprehensive regulations, adhering to international standards such as ILO Convention No. 190, to provide legal certainty and effective protection for workers. Furthermore, corporations must implement concrete measures, such as developing internal anti-bullying policies, establishing secure reporting mechanisms, and providing psychological support services for workers. Furthermore, the role of labor inspectors and education for workers and employers regarding the importance of maintaining mental health in the workplace is needed. These measures are expected to create a fairer, more humane industrial relations system oriented towards comprehensive protection of workers' dignity.

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