

Withholding of Original Certificates in Employment Agreements In terms of Human Rights

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Abstract

The aims of this study is to find out Withholding of Original certificates in Employment Agreements In terms of human rights. This study use research is normative legal research. Based on the descriptions in the chapters above, it can be concluded as follows: a. The detention of diplomas by companies against workers in work agreements/contracts is a violation of human rights because the act of detaining the original certificates prevents other people from finding better jobs and improving their standard of living. b. The legal consequences of holding a diploma are contained in Article 42 of the Regional Regulation of the Province of East Java Number 8 of 2016 with the threat of imprisonment for a maximum of 6 (six) months or a fine of a maximum of Rp. 50,000,000.00 (fifty million rupiah) but has no legal force binding nationally.

Keywords

Withholding; original certificates; employment agreement



I. Introduction

The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) states that the purpose of establishing an Indonesian State Government is to protect the entire Indonesian nation and the entire homeland of Indonesia and to promote public welfare, educate the nation's life, and participate in carrying out world order. The preamble to the 1945 Constitution of the Republic of Indonesia has many dimensions, including humanitarian, social, economic, legal and international peace, all of which must be maintained and developed according to national needs and development. National development is carried out in the context of developing Indonesian people as a whole and the development of Indonesian society as a whole to create a prosperous, just, prosperous society. that is evenly distributed both materially and spiritually based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In the implementation of national development, the workforce has a very important role and position as actors and development goals. In accordance with the role and position of the workforce, manpower development is needed to improve the quality of the workforce and their participation in development, as well as increase the protection of workers and their families in accordance with human dignity.

Humans in their lives have needs that must be met ranging from basic needs to needs that arise from the desire to have something. To meet these needs, humans must work. Along with the times, education is now seen as a condition for work. To be able to work for a company, a person must first take education to get a diploma as proof that he has taken education.

With regard to a diploma, that a diploma is an object in which property rights are attached to a person which is proof that that person has taken education. Basically, when someone applies for a job at the company, attach a photocopy of the diploma and it has been legalized as proof that the diploma is the same as the original so that it can be used to apply for a job. Some companies have implemented a detention system for workers' original certificates for workers who apply for jobs at their companies, either with a time for returning the original certificates determined or not determined by the employer.

As happened at PT. Gadai Mas Kaltim, a private company that was founded in 2014 and is engaged in pawnshops. In this company, employees who work as appraisers and unit heads are required for them to retain their original diplomas for the first 2 years of the contract period with the specified time for returning the original certificates. After the 2 year contract period ends, the employee is appointed as permanent employee and their original diploma is returned by the company. And the agreement with the clause withholding the original diploma is contained in a different document from the employment contract signed by the employee. There is a memorandum that contains an agreement to withhold the original diploma for contract employees in the appraiser position and the head of the unit with a certificate holding period of 2 years. The detention of the original diploma was based on PT. Pawn Mas Kaltim against the dissemination of confidential information belonging to the company by irresponsible employees. Because the position of the employee as an estimator and head of the unit is a central position who knows a lot of confidential company information.

Employment relates to labor before, after and during the work period. The workforce is very influential in Indonesia's national development, to increase the dignity of the workforce the government makes Law Number 13 of 2003 concerning Manpower. Law Number 13 of 2003 concerning Manpower regulates the rights and obligations of workers in carrying out work relationships with employers or employers. Legal subjects consist of at least 2 people who have legal relations so that a working relationship is established. An entrepreneur and a worker/labourer who have a legal relationship between the two will create a working relationship.

The work agreement aims to obtain legal certainty regarding what was agreed upon, both parties must fulfill each other's rights and obligations. The work agreement must not violate the law, the parties must agree and must not be forced or forced. The contents of the work agreement must also be clear, so that misunderstandings do not occur in the future that result in default. There is a clause in the work agreement which contains the guarantee of the worker's property which is guaranteed to the entrepreneur/employer. Guarantees requested by employers/employers aim to give workers a sense of trust, otherwise workers will be more careful at work. In some positions, companies entrust workers to hold money, hold products, holding tools that cost billions and carrying the good name of the company, for example a shop/outlet/minimarket, if they take goods or money from the store in large quantities, the certificate can be used as collateral. Ideally in a work agreement the rights and obligations of each party must be protected.

In essence, the work agreement must be mutually beneficial to the parties, there must not be a clause that is detrimental to one of the parties. This is in line with the principle of good faith or the principle of good faith in contract law which comes from Article 1338 paragraph 3 of the Civil Code which reads: "Agreements must be executed in good faith".

The principle of good faith is the principle that the parties, namely the employer and the workforce, must carry out the substance of the contract based on firm trust or confidence or the good will of the parties. Employment agreements should be made clearly in the use of words and language, so that they are easy to understand and easy to understand and avoid

multiple interpretations. Such rights are feared to be detrimental to the parties in the future because the agreement is based on *pacta sunt servanda*, meaning that the agreement becomes a valid law for the parties.

The work agreement is a coercive agreement (*dwang contract*), because the parties cannot determine their own desires in the agreement. "Freedom of contract" as in the law of engagement, the difference in the positions of the parties entering into the work agreement causes the parties not to determine their own desires in the agreement, especially the workers, however, the parties in the employment relationship are subject to the provisions of labor law.

Labor law or what is now popularly referred to as labor law has a legal umbrella in Indonesia with the presence of Law Number 13 of 2003 concerning Manpower. This law appears to guarantee the basic rights of workers and guarantee equal employment opportunities and treatment without discrimination on any basis to realize the welfare of workers and their families while taking into account the development of the business world.

If we link the detention of diplomas with Law Number 39 of 1999 concerning Human Rights, then this practice is considered to have violated several articles. First, Article 12 states "Everyone has the right to protection for personal development to obtain education, educate him, and improve the quality of his life so that he becomes a human being who has faith, has noble character, is happy and prosperous in accordance with human rights". This resulted in certificate holders who wished to continue their higher education to improve their quality of life, because their certificates were held by the company where they worked. In practice, collateral items may be replaced by other objects, but the process is quite complicated.

Finally, the second is in Article 38 paragraph (2) "Everyone has the right to freely choose the job he likes and is also entitled to fair employment conditions". With the detention of diplomas carried out by the company, the impact is that employees cannot use their diplomas to get other jobs they want according to their talents. Law enforcement is very important in order to ensure the achievement of the benefits (*doelmatigheid*) of the rule.

Without firm law enforcement, these normative rules will be meaningless, especially in the field of employment, which consists of two legal subjects that are socio-economically different. Therefore, the entrepreneur tends to be inconsistent in implementing the labor provisions because he is on the side of the party providing the work/capital.

From the above background, the researcher found that there are conflicting norms between agreements in work agreements that have the principle of freedom of contract and human rights that need to be protected. Therefore, the researcher wants to analyze detention of the original diploma in the employment agreement in terms of human rights in this thesis.

II. Review of Literature

4.1. Definition of Legal Protection

With the presence of law in social life, it is useful to integrate and coordinate interests that usually conflict with one another. Therefore, the law must be able to integrate it so that conflicts of interest can be reduced to a minimum. The definition of legal terminology in Indonesian according to the KBBI is a regulation or custom that is officially considered binding, which is confirmed by the authorities or the government, laws, regulations, and so on to regulate community life, standards or rules regarding certain natural events, decisions or considerations determined by the judge in court, or verdict

4.2. Forms and Means of Legal Protection

According to R. La Porta in the Journal of Financial Economics, the form of legal protection provided by a country has two characteristics, namely preventive and punishment. The most obvious form of legal protection is the existence of law enforcement institutions such as courts, prosecutors, police, and other non-litigation dispute resolution institutions.

Protection is meant by preventive (prohibited) that is making rules, while the protection that is meant is punishment (sanctions) that is enforcing regulations.

4.3. Forms and Means of Legal Protection

The objectives and methods of implementation are as follows:

- a. Making regulations that aim to provide rights and obligations and guarantee the rights of pre-legal subjects.
- b. Enforce regulations through:
 1. State administrative law that functions to prevent violations of rights by licensing and supervision.
 2. Criminal law which serves to overcome any violation of laws and regulations, by imposing legal sanctions in the form of criminal sanctions and penalties.
 3. Civil law that serves to restore rights by paying compensation or damages.

4.4. Legal Protection for Workers Wage Protection, Welfare, Labor Social Security

Wages play a very important role and are the hallmark of an employment relationship, it is even said that wages are the main goal of a worker who does work for another person or legal entity. For this reason, the government participates in dealing with this wage issue through various policies as outlined in the legislation. Every worker has the right to earn a decent income for humanity. To realize a decent income, the government establishes protection with wages for workers. The realization of decent income is carried out by the government through setting minimum wages on the basis of decent needs. Wage arrangements are determined on the basis of an agreement between employers and workers.

4.5. Definition of Human Rights

Human rights are rights that are inherent in humans because they are human. The only reason people have human rights is because they are human. The main focus of human rights is human life and dignity. Human dignity will be disturbed when they become victims of sexual harassment, torture, slavery; including if living without sufficient food, clothing and housing.

4.6. Principles of Human Rights

Manfred Nowak mentions that there are four principles of human rights, namely universality, indivisibility, interdependent, and interrelated. Rhona KM Smith added another principle, namely equality (equality) and non-discrimination (non-discriminatory). Some circles say that the principle of indivisibility, interdependence and interrelatedness is a derived principle of universality.

4.7. Definition of Employment Agreement

Based on the provisions in Article 1 paragraph (14) of Law No. 13 of 2003 concerning Manpower, what is meant by a work agreement "is an agreement between a worker/laborer and an entrepreneur or employer that contains the working conditions, rights and obligations of the parties". Basically, a work agreement is only made by two parties, namely the entrepreneur or employer and the worker or laborer. Regarding what is agreed upon, it is

completely left to both parties, namely between the entrepreneur or employer and the worker or laborer. If one of the parties does not agree, then in terms of the provisions there will be no work agreement, because in the rules the implementation of the work agreement will be well established if both parties fully agree without any coercion. Employment agreements can be made either in writing or orally. Work agreements made in writing or verbally must be carried out in accordance with statutory regulations. Juridically, based on the provisions of Article 1 point 15 of Law No. 13 of 2003 concerning Manpower "employment relationship is a relationship between an entrepreneur and a worker/laborer based on a work agreement, which has elements of work, wages, and orders". If it is reviewed based on the above understanding, the employment agreement and the employment relationship have an interconnected relationship, this will result in a working relationship that occurs between the employer/employer and the worker/labourer. Juridically, based on the provisions of Article 1 point 15 of Law No. 13 of 2003 concerning Manpower "employment relationship is a relationship between an entrepreneur and a worker/laborer based on a work agreement, which has elements of work, wages, and orders". If it is reviewed based on the above understanding, the employment agreement and the employment relationship have an interconnected relationship, this will result in a working relationship that occurs between the employer/employer and the worker/labor. Juridically, based on the provisions of Article 1 point 15 of Law No. 13 of 2003 concerning Manpower "employment relationship is a relationship between an entrepreneur and a worker/laborer based on a work agreement, which has elements of work, wages, and orders". If it is reviewed based on the above understanding, the employment agreement and the employment relationship have an interconnected relationship, this will result in a working relationship that occurs between the employer/employer and the worker/labor.

III. Research Method

The research method used in this research is normative legal research. Normative legal research is legal research to find the rule of law, legal principles, and legal doctrines, in order to answer and solve legal issues. . This normative legal research is focused on conducting library research and examining legal materials, both primary and secondary.

IV. Result and Discussion

4.1. Detention of the original certificate in the work agreement is a violation of human rights

Man is endowed by God Almighty with reason and conscience which gives him the ability to distinguish between good and bad which will guide and direct attitudes and behavior in living his life, with reason and conscience, humans have the freedom to decide their own behavior or actions. . Besides that, to compensate for this freedom, humans have the ability to be responsible for all actions taken. These basic freedoms and basic rights are called human rights which are inherent in humans by nature as a gift from God Almighty. These rights cannot be denied. Denial of these rights means denying human dignity. Therefore, the state, government,

The obligation to respect human rights is reflected in the Preamble to the 1945 Constitution of the Republic of Indonesia which animates all the articles in its body, especially with regard to the equality of citizens in law and government, the right to work and a decent living, freedom of association and assembly, the right to express thoughts verbally and writing, freedom to embrace religion and to worship according to one's religion and

beliefs, the right to receive education and teaching. Based on the explanation above, there are several rights that are owned by everyone, one of which is the right to work and a decent living. In today's era, it is very difficult to get a job, the number of workers and the employment field is not balanced, causing pressure for workers because they need work to continue their life.

In recent years, companies have often detained workers' diplomas this detention lasts as long as the contract is valid. Basically there is no law that explicitly regulates the right for companies to withhold workers' original certificates, but in practice we often encounter the detention of original certificates by companies. One of the reasons is that workers are willing to obey the rules and the agreed term of the work agreement, for example 3 years.

The detention of a diploma by the company is a violation of human rights because it is related to a person's freedom. Article 1 number 1 of the Republic of Indonesia Law no. 39 of 1999 concerning Human Rights states that "rights are a set of rights inherent in human nature as creatures of God Almighty and are His gifts that must be respected, upheld and protected by the state, law, government and everyone for the sake of honor and protection of dignity." and human dignity". From this understanding, it means that everyone, including workers, has the most essential rights that must be respected by anyone, whether it is related to the detention of diplomas carried out by the company. Workers have the right to use their certificates without having to be detained by the company, if the company makes detention it is a violation of rights, violation of rights in Article 1 point 6 of Law No. RI. 39 of 1999 concerning Human Rights are:

Every act of a person or group of people including state apparatus, whether intentional or unintentional or negligence which unlawfully reduces, hinders, limits and or revokes the human rights of a person or group of people guaranteed by this law, and does not get or is feared not to be obtain a fair and correct legal settlement, based on the applicable legal mechanism.

Detention of diplomas by the company, when linked to Law No. RI. 39 of 1999 concerning Human Rights violates several articles, namely the first Article 9 paragraph (1) "everyone has the right to live, maintain life and improve his standard of living" means that workers have the right to get a better job than before and get a bigger salary in improving their standard of living. Their lives, but with the detention of their diplomas by employers, the workers lose their rights to get the opportunity to work in other places that they think are better. Second, Article 12 states that "everyone has the right to protection for personal development to obtain education, educate himself, and improve the quality of his life so that he becomes a human being who is faithful, pious, responsible, has a noble character, happy and prosperous in accordance with human rights". This causes the certificate holders who want to continue their higher education to improve their quality of life to be hampered because their certificates are held by the company where they work. Finally, the third is contained in Article 38 paragraph (2) "everyone has the right to freely choose the job he likes and is also entitled to fair employment conditions", with the detention of a certificate by the company resulting in workers not being able to use their diploma to get another job what they want according to the talent they have. This causes the certificate holders who want to continue their higher education to improve their quality of life to be hampered because their certificates are held by the company where they work. Finally, the third is contained in Article 38 paragraph (2) "everyone has the right to freely choose the job he likes and is also entitled to fair employment conditions", with the detention of a certificate by the company resulting in workers not being able to use their diploma to get another job what they want according to the talent they have. This causes the certificate holders who want to continue

their higher education to improve their quality of life to be hampered because their certificates are held by the company where they work. Finally, the third is contained in Article 38 paragraph (2) "everyone has the right to freely choose the job he likes and is also entitled to fair employment conditions", with the detention of a certificate by the company resulting in workers not being able to use their diploma to get another job what they want according to the talent they have.

From the explanation of the articles above, it is clear that if a company holds a diploma, it means that it has violated the human rights of its workers. In addition to the articles above, the Manpower Office also said that companies should not hold diplomas, the certificates used when applying for jobs are sufficient with a legalized photocopy of the diploma, not the original certificate of the detained worker, if this is done it is a violation of a person's human rights.

4.2. Provisions for Detention of Original Diplomas in Prevailing Laws

Based on the results of research that has been obtained, the arrangement for holding diplomas when examined from the hierarchy of laws and regulations according to Article 7 paragraph (1) of Law No. 12 of 2011 is as follows: The 1945 Constitution of the Republic of Indonesia is the source of all legal sources in Indonesia which are provisions general as the basis for implementing the laws and regulations under it. Article 27 paragraph (2) of the Constitution of the Republic of Indonesia which reads "Every citizen has the right to work and a decent living for humanity". In connection with the text of the article, it can be concluded that if a person who has taken his education and obtained proof of legality in the form of a diploma and diploma is detained, then the opportunity to get a job is very limited. Employers in accepting workers to work in their companies, usually make a diploma as a condition to meet the qualifications of the required field of work. A diploma is proof of the legality of someone who has taken an education, it can eliminate a person's opportunity to get a job to meet his needs in the midst of the rigors of life. Decent work is one of the supports for someone to get a decent life in accordance with the explanation of the article, therefore people or legal entities are prohibited from withholding diplomas owned by others, especially for entrepreneurs who withhold their workers' certificates as collateral. it can eliminate a person's opportunity to get a job in order to meet his needs in the midst of the rigors of a life. Decent work is one of the supports for someone to get a decent life in accordance with the explanation of the article, therefore people or legal entities are prohibited from withholding diplomas owned by others, especially for entrepreneurs who withhold their workers' certificates as collateral. it can eliminate a person's opportunity to get a job in order to meet his needs in the midst of the rigors of a life. Decent work is one of the supports for someone to get a decent life in accordance with the explanation of the article, therefore people or legal entities are prohibited from withholding diplomas owned by others, especially for entrepreneurs who withhold their workers' certificates as collateral.

The next arrangement for detention of diplomas when viewed from the laws and regulations under the 1945 Constitution of the Republic of Indonesia is hierarchical, namely the MPR Decree which is a decision from the People's Consultative Assembly which contains stipulations. Until now, there is no arrangement in the MPR Decree that discusses or explains the detention of diplomas, because in general the function of the MPR Decree is beshicking. Furthermore, the statutory regulations under the MPR Decree hierarchically are laws. Law is a statutory regulation which in its formation is carried out by two institutions, namely the DPR with the approval of the President as stipulated in Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia. Laws relating to manpower include:

Law Number 21 of 2000 concerning Unions. Workers/Labour Unions (hereinafter referred to as Law No. 21 of 2000). The regulation on detention of diplomas is not regulated in Law No. 21 of 2000, but in Article 35 of Law No. 21 of 2000 which reads "every dispute between trade unions/labor unions, federations, confederations of trade unions/labor unions is resolved by deliberation by the trade union/labor union concerned." way of consensus with the stipulation that the problem concerns the trade union, the trade union here is an organization consisting of workers. The deliberation as referred to in the article above does not reach a common ground, then the next settlement is carried out in accordance with the applicable legislation. Regarding the detention of diplomas, there are no rules that explain this in Law No. 21 of 2000.

4.3. Prohibition of Detention or Storage of Worker's Original Documents by Employers in East Java Provincial Regulation No. 8 of 2016 concerning Employment Implementation

All workforce and parties who use labor are required to comply with these regulations. These regulations cover many things such as legal protection of workers, obligations of employers or companies, rights earned by workers, and so on. The government also has a supervisory role in the implementation of labor regulations so that there are no violations of these regulations.

Indonesia is divided into Provinces and Provinces are divided into Regencies and Cities where each Province, Regency and City has a Regional Government regulated by law, this is a mandate contained in Article 18 of the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution of the Republic of Indonesia). In the implementation of Provincial, Regency and City Government, the government must have a reflection of the government in accordance with the Unitary State of the Republic of Indonesia by implementing the principle of decentralization.

Decentralization is the delegation of power and authority from the center to the regions where the authority is autonomous which is carried out by regional governments without any intervention from the center. In implementing decentralization, the government is given the authority to regulate and manage its own government in the form of regional autonomy. In Article 1 Number 6 of Law Number 23 of 2014 concerning Regional Government which states that regional autonomy is the right, authority and obligation of autonomous regions to regulate and manage their own government affairs and interests of local communities in the system of the Unitary State of the Republic of Indonesia. From these provisions, the regional government within its scope has the right to exercise the widest possible autonomy.

Regional regulations are regulations that are domiciled as the lowest legal products, therefore in the formation of regional regulations they must pay attention to three content materials, namely all content materials in regional regulations must reflect the need for regional autonomy and assistance tasks, the formation of regional regulations must not conflict with regulations which is the attributive source of its authority, and the content of regional regulations is a derivation or further elaboration of higher regulations, this is contained in Article 236 of Law Number 23 of 2014 concerning Regional Government.

The maintenance or storage of the original documents belonging to the worker is used as a guarantee for the employer or employer with the aim of providing a sense of trust towards the worker working with the worker. The original document belonging to the worker who is detained or kept one of them is a certificate, as the object in which is attached is the property of a person who is an educator. Usually if someone applies for a job at the company then it will be asked for the last diploma as a job requirement, which should be enough by attaching a photocopy of the certificate So that the original diploma does not need to be

withheld or kept by the company as collateral. When the company withholds or retains the original worker documents in the event of damage, the law enforcement officer goes missing and something unexpected happens, such as a fire at the document storage place or the company itself, of course it can harm the document owner as a result. 13 of 2003 concerning Manpower.

4.4. Legisl Ratio and Legal Basis Article 42 Regional Regulation of East Java Province No. 8 of 2016 concerning Employment Implementation

Ratio legis is an effort used to find the cause of the birth of a legal regulation. Satjipto Rahardjo argues that the legal principle is the cause or reason for the birth of legal regulations or the ratio legis of legal regulations. The principle will never end giving birth to a legal regulation. If a problem occurs in a regulation, it must be returned to its legal principles to find a solution. This is in line with Satjipto's statement that the principle is the broadest basis for the birth of a legal regulation, because before it becomes a legal norm or regulation, the law is in the form of a principle in which the principle is used as a measure or foundation for the establishment of a regulation. When looking for the ratio legis for the formation of legal regulations in an area, the legal principles can be used and seen from the making/designing and preparation of these regulations.

In the attachment to the explanation of Law Number 12 of 2011 concerning the Establishment of Legislative Regulations, it is explained to find out the legal conditions or laws and regulations governing the substance or material in laws and regulations, in this case regional regulations, can be seen from the preparation material, namely the basis for consideration philosophical, sociological and juridical. In addition to the three basic aspects of philosophical, sociological and juridical considerations, it can be used to understand the preparation of technical policy guidelines and implementation guidelines for harmonizing, concluding and strengthening the conception of draft laws and regulations as conception standards, procedures and techniques for the preparation and design of good laws and regulations.

As an effort to find answers, the birth of a legal regulation in Article 42 of Regional Regulation Number 8 of 2016 concerning Manpower Implementation concerning the prohibition of detention or storage of workers' original documents by employers will be analyzed in this chapter to find out the reasons and objectives why the regulation was made. This can be seen from the main ideas contained in the preamble of a law, the explanation of articles, as well as the juridical and sociological basis. The philosophical basis, juridical basis and sociological basis of provincial regulations can be seen from the academic text of the draft provincial regulations.

V. Conclusion

Based on the descriptions in the chapters above, it can be concluded as follows:

- a. The detention of diplomas by companies against workers in work agreements/contracts is a violation of human rights because the act of detaining the original certificates prevents other people from finding better jobs and improving their standard of living.
- b. The legal consequences of holding a diploma are contained in Article 42 of the Regional Regulation of the Province of East Java Number 8 of 2016 with the threat of imprisonment for a maximum of 6 (six) months or a fine of a maximum of Rp. 50,000,000.00 (fifty million rupiah) but has no legal force binding nationally.

References

- _____, (2014). Pengantar Hukum Ketenagakerjaan Indonesia, Edisi Revisi ke-12, PT. Rajagrafindo Persada, Depok.
- _____,(2005). Ilmu Hukum, Bandung: PT. Citra Aditya Bakti.
- Arifin, Syamsul. (2012). Pengantar Hukum Indonesia, Medan : Medan area University Press.
- Asnawi, Natsir. Perlindungan Hukum Kontrak Dalam Perspektif Hukum Kontrak Kontemporer. Jurnal Masalah Hukum. Vol. 1, No. 46
- Bambang, R. Joni. (2013). Hukum Ketenagakerjaan, Bandung: Pustaka Setia.
- Budiono, Herlien. (2010). Hukum Perjanjian dan Penerapannya di Bidang Kenotariatan, Citra Aditya Bakti, Bandung.
- Darus, Mariam B et al. (2001). Kompilasi Hukum Perikatan, Citra Aditya Bakti, Bandung.
- Denny, J. A. (2013). Menjadi Indonesia tanpa Diskriminasi, ctk. Pertama, Jakarta: Gramedia.
- E. Rhoda, Howard. (2000). HAM: Penjelajahan Dalih Relativisme Budaya, ctk. Pertama, Jakarta: Pustaka Utama Grafit.
- F. Tjepi, Aloewic. (1996). Naskah Akademis Tentang Pemutusan Hubungan Kerja dan Penyelesaian Perselisihan Industrial, Cetakan ke-11, BPHN, Jakarta.
- Gautama, Sudargo. (1995). Indonesian Business Law, Citra Aditya Bakti, Bandung.
- H. Sendjun, Manulang. (2001). Pokok-Pokok Hukum Ketenagakerjaan Di Indonesia, Penerbit Rineka Cipta.
- H.S, Salim. (2014). Hukum Kontrak, Jakarta: Sinar Grafika
- Hakim, Abdul. (2014). Dasar-dasar hukum Ketenagakerjaan Indonesi, cetakan ke-4 edisi revisi, PT. Citra Aditya Bakti, Jakarta.
- Halim, Abdul. (2005). Barkatullah dan Teguh setyo, Bisnis E-Commerce Studi Sistem Keamanan dan Hukum Indonesia, Pustaka Pelajar, Yogyakarta.
- Husni, Lalu. (2003). Pengantar Hukum Ketenagakerjaan Indonesia Edisi Revisi, Cet. 4, jakarta: Raja Grafindo Persada.
- Ibrahim, Johannes dan Lindawaty Sewu. (2004). Hukum Bisnis Dalam Perspektif Manusia Modern, PT. Refika Aditama, Jakarta.
- Ibrahim, Johnny. (2010). Teori & Metodologi Penelitian Hukum Normatif, Bayumedia Publishing, Malang.
- Iskandar, Pranoto. (2012). Hukum HAM Internasional, ctk. Pertama, Jakarta: IMR Press.
- Judiantoro, Hartono. (1992). Segi Hukum Penyelesaian Perselisihan Perburuhan, Rajawali Pers, Jakarta.
- K.M, Rhona, Smith, et. al. (2008). Hukum Hak Asasi Manusia, ctk. Pertama, Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia.
- Khairandy, Ridwan. (2013). Hukum Kontrak Indonesia Dalam Perspektif Perbandingan (Bagian Pertama), FH UII Press, Yogyakarta.
- Kitab Undang-undang Hukum Perdata.
- Kitab Undang-Undang Hukum Pidana.
- L, Rukiyah dan Darda Syahrizal. (2013). Undang-Undang Ketenagakerjaan dan Aplikasinya, Dunia Cerdas, Jakarta.
- Mahmud, Peter Marzuki. (2010). Penelitian Hukum, Cet. 6, Kencana Prenada Media Group, Jakarta,
- Mertokusumo, Sudikno. (1995). Mengenal Hukum (Suatu Pengantar), Liberty, Yogyakarta.
- Rahardjo, Satjipto, Ilmu Hukum. V, Bandung: Citra Aditya Bakti, 2000
- Rawls, John, Teori Keadilan, ctk. Pertama, Yogyakarta: Pustaka Pelajar, 2006
- Remy, Sutan, Sjahdeini, Kebebasan Berkontrak dan Perlindungan Yang Seimbang bagi Para Pihak dalam Perjanjian Kredit di Indonesia, Institut Bankir Indonesia, Jakarta, 1993

- Rusli, Hardijan, Hukum Ketenagakerjaan Berdasarkan Undang-Undang No.13 Tahun 2003 tentang Ketenagakerjaan dan Peraturan Terkait Lainnya, Edisi Kedua, Ghalia Indonesia, Bogor, 2004
- Santoso, Djohari, dan Achmad Ali, Hukum Perjanjian Indonesia, FH UII, Yogyakarta, 1983
- Sasongko, Wahyu. (2007). Ketentuan-ketentuan pokok hukum perlindungan konsumen, Bandar Lampung: Universitas Lampung.
- Satrio, J. (1995). Perikatan Lahir dari Perjanjian, Buku I, Citra Aditya Bakti, Bandung.
- Subekti. (1987). Hukum Perjanjian, Intermasa, Jakarta
- Subekti, R. (1984). Aneka Perjanjian, PT. Alumni, Bandung
- Syamsudin, Qirom Meliala. (1985). Pokok-Pokok Hukum Perjanjian, ctk. Pertama, Liberty, Yogyakarta.
- Tim penyusun Kamus Pusat Pembinaan dan pengembangan Bahasa, Kamus Besar Bahasa Indonesia, Edisi kedua, cet. 1, Jakarta: Balai Pustaka, 199
- Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165 dan Tambahan Lembaran Negara Republik Indonesia Nomor 3886.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-undang Nomor 11 Tahun 2020 tentang Cipta Kerja, Lembaran Negara Tahun 2020 Nomor 245, Tambahan Lembaran Negara Nomor 6573.
- Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39, Tambahan Lembaran Negara Nomor 4279.
- Uwiyono, Aloysius, Siti Hajati Hoesin. (2014). Widodo Suryandono dan Melania Kiswandari, Asas-asas Hukum Perburuhan, Jakarta: Rajawali Press.
- Wayan, I. Agus Vijayantera. ((2017). "Penahanan Ijazah Asli Pekerja Dalam Hubungan Kerja Sebagai Bagian Kebebasan Berkontrak," Jurnal Komunikasi Hukum (JKH) 3, no. 2 40–51
- Widjaja, Gunawan. (2010). Hal-Hal Prinsip Dalam Pembuatan Kontrak Kerja Yang Sering Terlupakan dan Akibat-Akibatnya, Jurnal Ilmiah Hukum Bisnis Prinsip Dalam Hukum Kontrak dan Asas Proporsionalitas, Proporsionalitas, Pengembang Hukum Bisnis, hlm.52.
- Wignjosebroto, Soetandyo. (2003). Hak-hak Asasi Manusia: Konsep Dasar dan Pengertiannya yang Klasik pada Masa-masa Awal Perkembangannya, dalam Toleransi dalam Keberagaman: Visi untuk Abad-21 Kumpulan Tulisan tentang Hak Asasi Manusia, Pusat Studi Hak Asasi Manusia dan The Asia Foundation.
- Wijayanti, Asri. (2009). Hukum Ketenagakerjaan Pasca Reformasi, Jakarta. Sinar Grafika.
- Yahya, M. Harahap. (1982). Segi-Segi Hukum Perikatan, PT. Alumni, Bandung.