

JURIDICAL REVIEW OF THE LEGAL POSITION OF EMPLOYMENT RELATIONS WITHOUT A WRITTEN EMPLOYMENT AGREEMENTS

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Abstract

Work agreements made in oral form do not conflict with the provisions of Law Number 13 of 2003 concerning Employment, i.e. contained in the provisions Article 51 paragraph 1, i.e. employment agreements are made in writing or verbally. The research aims are to examine the legal position of the worker in the employment relationship without a written employment agreement and the legal protection of workers and workers against the fulfillment of workers' rights in employment without a written employment agreement. The type of research used in this study is normative legal research. The source of legal material came from primary and secondary legal material source. The legal position of employment relations without a written employment agreement based on the perspective of labor law has a strong legal position as long as it does not conflict with the legal conditions of the employment agreement, as provided for in Article 52 paragraph (1) of Law Number 13 of 2003 concerning Employment. As a result of the law of employment without a written employment agreement, if the type of employment agreement is a Specific Time Work Agreement made in oral form, then the status changes to an Unspecified Time Work Agreement and if the type of employment agreement is an Unspecified Time Work Agreement then the employer is obliged to issue a letter of appointment to the worker/labor concerned to become a permanent worker. Verbal work agreements have not been able to provide full legal protection to workers, potentially harming workers and workers to the fulfillment of their rights and obligations as workers.

References

- Ali, A. (2015). *Mengungkap Tabir Hukum* (2nd ed.). Jakarta: Kencana.
- Djumiadji, F. X. (2005). *Perjanjian Kerja*. Jakarta: Sinar Grafika.
- Hernoko, A. Y. (2008). *Hukum Perjanjian: Asas Proporsionalitas dalam Kontrak Komersial*. Yogyakarta: Laksbang Mediatama.
- Husni, L. (2020). *Pengantar Hukum Ketenagakerjaan: Edisi Revisi*. Jakarta: Raja Grafindo Persada.
- Indradewi, A. A. S. N., & Arifiani, A. A. I. V. (2021). Efektifitas Penerapan Sanksi Administrasi terhadap Warga Negara Asing yang Melakukan Pelanggaran Visa di Bali. *Jurnal Komunikasi Hukum (JKH)*, 7(2), 892-906. Retrieved from <https://journal.unidwisha.ac.id/index.php/jkh/article/view/38837>
- Masriani, Y. T. (2007). *Pengantar Hukum Indonesia*. Jakarta: Sinar Grafika.
- Rahayu, L. P., Babussalam, A. B., Sugianti, Y., Indradewi, A. A. S. N., & Firman, E. (2020). Legal Protection of Children Forced to Work. In 2nd International Conference on Law, Governance and Social Justice (ICOLGAS 2020) (pp. 756-761). Atlantis Press. Retrieved from <https://www.atlantispress.com/proceedings/icolgas/20/125948332>
- Resen, M. G. S. K., & Tjukup, I. K. (2015). Planning the Diametrical Growth of Development and Welfare (Legal Aspect of Human Capital Investment towards Quality Improvement of Indonesian Labor Force). *International Journal of Business, Economics and Law*, 6(4), 96-99. Retrieved from https://www.ijbel.com/wp-content/uploads/2015/05/Law39_PAID_IJBEL_KARMA_Planning-The-Diametrical-Growth-Template-IJBEL-and-SEA-IJBEL-vol-6-Aer-2015-Subba-Karma-Tjukup_D39.pdf
- Rhiti, H. (2015). *Filsafat Hukum: Edisi Lengkap Dari Klasik Sampai Postmodernisme* (5th ed.). Yogyakarta: Atma Jaya Yogyakarta.
- Soeroso, R. (2015). *Pengantar Ilmu Hukum*. Jakarta: Sinar Grafika.

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Syaifuddin, M. (2012). Hukum Kontrak Memahami Kontrak dalam Perspektif Filsafat, Teori, Dogmatik dan Praktik Hukum (Seri Pengayaan Hukum Perikatan). Bandung: Mandar Maju.

Van Apeldoorn, L. J. (2001). Pengantar Ilmu Hukum. Jakarta: Pradnya Paramita.

Wijayanti, A. (2014). Hukum Ketenagakerjaan Pasca Reformasi. Jakarta: Sinar Grafika.

Wijayanti, A., & Tarmizi. (2017). Hukum Ketenagakerjaan Pasca Reformasi (7th ed.). Jakarta: Sinar Grafika.

Hukum Dasar Negara Republik Indonesia Tahun 1945 [The Constitution of the Republic of Indonesia of 1945].

Kitab Hukum Hukum Perdata [Civil Law Code].

Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan (Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39, Tambahan Lembaran Negara Republik Indonesia Nomor 4279) [Law Number 13 of 2003 concerning Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279)].

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