



LEGAL IMPLICATIONS AND PROTECTIONS CERTAINTY ON PIECE WORK CONTRACTS IN INDONESIA

¹Didit Darmawan, ²Antonino Pedro Marsal

¹Universitas Sunan Giri Surabaya Indonesia

²Instituto Boaventura De Timor Leste, Timor Leste

correspondence: dr.diditdarmawan@gmail.com

Abstract

Piece work contracts are one type of employment relationship that is growing rapidly in Indonesia, especially as the business world's need for flexibility and production efficiency increases. The existence of a written agreement, the separation of supporting work from main activities, and the requirement for the contracting company to have legal entity status form the legal foundation for ensuring the rights and obligations of all parties. The legal implications of subcontracting contracts are strategically important in preventing labor exploitation while providing certainty for companies regarding the output produced. Every subcontracted worker continues to receive wage protection, compensation, and other labor rights, even if the employment relationship is terminated before the contract period ends. In addition, the labor inspection system plays a role in enforcing the implementation of contracts in accordance with regulations, as well as being a forum for settlement when disputes arise over rights or obligations. However, challenges remain, including socialization that has not been optimal. Through strengthening the legal certainty of piecework contracts, it is hoped that a harmonious, fair, and productive industrial relations atmosphere will be created.

Keywords: Piece work contracts, labor law, worker protection, PHK, legal certainty, piecework, wages

Introduction

In the modern business space, the need for clear and adaptive industrial relations mechanisms is increasingly important. The changing landscape of the world of work, both in the formal and informal sectors, has prompted businesses to seek out employment relationship formats that best suit their needs (Marbun et al., 2024). One format that is growing rapidly is the use of piecework contracts, which is an agreement between employers and workers to complete certain work within an agreed period of time, outside of the regular employment scheme. The existence of this type of contract is considered capable of bringing managerial efficiency, flexibility, and more measurable cost management, thus offering an alternative for companies that want to adjust to market demands and highly dynamic technological developments.

On the contrary, the use of piece work contracts often leaves crucial issues at the labor level. Differences in motives and interests between employers and workers often lead to practices that have the potential to cause inequality, especially in the protection of labor rights and welfare. One of the most prominent issues is the lack of legal protection for pieceworkers, as the working relationships established in this format are often not equivalent to permanent employment contracts, both in terms of social security and other normative protections. This is an important challenge that needs to be anticipated in the current dynamics of industrial relations.

In addition to the above aspects, the dynamics of regulation and implementation practices of piece work contracts are also inseparable from the issue of legal interpretation. The heterogeneity of interpretations of laws and regulations makes the validity and strength of piece work contracts a frequently debated issue. Business actors and workers often face uncertainty in determining their respective rights and obligations, especially in the event of a dispute. This shows the need for systematic academic discussion to dissect and analyze all legal aspects related to the structuring and implementation of piece work contracts in Indonesia and in general in the global realm.

The academic literature on piece work contracts continues to grow, underscoring the importance of a comprehensive understanding of the legal constructs underlying this type of employment relationship.

Recent writings in the field of labor law show a growing interest in understanding the characteristics, limitations, and legal implications of piece work contracts in a more objective and factual manner, for workers, employers, and the state. In-depth research from various perspectives is believed to enrich the discussion in the academic and business worlds, so that in the future, piece work contract policies and practices will be more in line with the principles of justice and human welfare as the core of industrial relations.

The main problem with piece work contracts lies in the relatively weak bargaining position of workers compared to employers. This imbalance has the potential to lead to exploitative working relationships, in which workers do not receive their rights proportionally. Piecework workers are often placed in a weak position in employment agreements, with very limited room for negotiation because the terms of the contract are generally determined unilaterally by the employer. This makes piece work contracts vulnerable to manipulation in order to avoid labor protection obligations such as social security and other normative rights.

On the other hand, the practice of implementing piecework contracts often encounters problems in the implementation of supervision and law enforcement. The weakness of government supervision, both in terms of limited human resources and legal instruments, causes many cases of contract violations not to be handled optimally. This is further exacerbated by workers' limited access to legal assistance, especially workers in the informal sector and small-scale businesses. This phenomenon indicates that the implementation of piecework contracts often goes beyond the expectations of existing formal regulations, leaving unclear legal protection in the field.

In addition, the disagreement between employers and employees on the contents of piecework contracts also makes the working relationship characterized by legal uncertainty. The low quality of the parties' legal understanding leads to frequent misunderstandings in interpreting contractual rights and obligations. Lack of socialization of rules and lack of legal literacy exacerbate this situation. When disputes arise, workers have great difficulty proving violations committed by the employer, especially since piecework contracts are often not drafted in a transparent and comprehensive manner.

Attention to the drafting of effective piece work contracts is very necessary given their significant impact on worker protection and business sustainability. The dynamics of changes in the labor climate, shifting work patterns, and demands for efficiency require legal instruments that are adaptive, fair, and capable of guaranteeing certainty. Academic studies based on objective facts in the field will make an important contribution to producing constructive and applicable solutions. A systematic review of the process of drafting, implementing, and resolving piece work contract disputes is believed to be a reliable reference for policy reform and the improvement of more humane and sustainable industrial relations practices.

This situation demands the strengthening of legal instruments that are not only declarative but also operational, so that piecework contracts can function fairly in the interests of both parties. In an increasingly complex labor landscape, careful and critical analysis is essential for all stakeholders so that the goal of balance between business productivity and protection of human rights is maintained proportionally.

This study aims to analyze the legal aspects related to the preparation of piecework contracts, examine the legal impacts arising from the position of workers and employers, and formulate practical steps to improve legal certainty in the implementation of piecework contracts in Indonesia. The results of this study are expected to make a meaningful conceptual contribution to the development of labor law theory and practice, as well as support the formation of policies that are more responsive to the needs of workers and employers.

Method

The approach used in this paper is a qualitative literature study with the aim of exploring, identifying, and understanding the applicable legal principles and various implications in the preparation of piecework contracts. This method allows the author to examine various theories, doctrines, expert opinions, as well as primary and secondary legal rules sourced from national and international literature related to labor law. Qualitative literature study is very relevant because it allows the author to reflect, compare, and interpret the regulation and practice of piecework contracts systematically through in-depth description and reasoning (Creswell, 2014).

By prioritizing the review of secondary data, this research always adheres to the principles of academic honesty and scientific integrity, so that every conclusion is based on the results of reviewing authentic sources that can be verified.

Primary data sources, including books, law journals, monographs, court decisions, and legislative documents, were identified and analyzed systematically. Data analysis is carried out through critical, interpretative and narrative methods, which emphasize finding the meaning and significance of each legal substance discussed (Neuman, 2014). This step is carried out so that the discussions and arguments in the paper have a strong academic footing, can be accounted for, and are in line with the applicable scientific writing rules. Thus, this methodology is expected to succeed in presenting a truly substantive, integrated, and original analytical description, especially in highlighting the regulation of piecework contracts in the midst of contemporary industrial life.

Result and Discussion

Arrangement and Drafting of Piece Work Contracts

The arrangement and drafting of piecework contracts requires great care from all parties involved. Basically, this agreement must contain clear terms and conditions regarding the scope of work, the target results to be achieved, the implementation time, and the agreed form of compensation. The certainty of the object of piecework is a very important initial foundation, because failure to determine it has the potential to lead to disputes in the future. The drafting of the contract must be able to describe the rights and obligations of both parties explicitly, without giving rise to multiple interpretations. In practice, the technical details contained in the contract articles can serve as a guideline for judgment if there are differences in views or misunderstandings (Barreau et al., 2009).

There is a need for orderly administrative governance in the process of preparing piecework contracts. Each element, starting from the identity of the parties, job descriptions, quality standards, to the procedure for handing over results, should be described comprehensively. This aims to minimize ambiguities that could weaken the parties' legal position. A piecework contract that is formulated transparently and professionally will minimize the possibility of disputes and support the achievement of

optimal work results. In addition, clauses on dispute resolution mechanisms are important to be regulated explicitly. This aspect is often overlooked, even though it is vital for protecting rights and anticipating potential violations in the future (Zacks, 2015).

The employment relationship has its own tensions, because on the one hand the employment relationship arises because of the voluntary agreement between the employer and the worker with the system of workers willing to follow the directions of the employer in exchange for wages, on the other hand this employment relationship is also regulated by labor laws that limit the content of employment agreements due to the inequality of bargaining positions (Niezna & Davidov, 2023). One of the key points in drafting piecework contracts lies in the integration of the principles of fairness, proportionality and legal certainty. The agreement must be balanced and must not contain elements of coercion, fraud, or abuse of circumstances. Administrative requirements such as the clarity of the time period, the establishment of work quality standards, and the explicit mention of the method of payment of wages or honorarium, are the main benchmarks in determining the validity of the contract. In addition, contracts should ensure the implementation of mechanisms for reporting work and checking results, so that each work process can be evaluated in a measurable manner based on criteria that have been set from the start (Abdul-Malak & Ezzeddine, 2023).

Emphasis on the formal aspects and substance of the contract is crucial, to avoid unilateral interpretation. Every clause must function as an instrument of protection and certainty, not just an administrative document that has no binding force. In contract writing, caution and accuracy in determining the formulation of legal language is seen as one of the effective ways to avoid ambiguous interpretation. The use of standardized legal terms and language that is easily understood by all parties is necessary. Thus, piecework contracts can be used as a legally valid and functional control tool in the implementation of labor relations.

It is frequently observed in practice that piece work contracts are drafted in a short period of time without adequate legal analysis. The impact can cause unwanted problems, namely the existence of deficiencies or discrepancies in existing clauses or provisions, either intentionally or unintentionally (Sari et al., 2020). This causes the contract to lose its

effectiveness in the event of conflict. Therefore, it is important to ensure that all stages of drafting are carried out responsibly through legal, technical and administrative reviews. Each party is encouraged to understand the substance of the agreement thoroughly before giving final approval, and not just leave the drafting process to one party alone to avoid interest bias.

The rules regarding piecework contracts are listed in the Indonesia Civil Code and are mandatory for use by the parties concerned, but the parties concerned can apply the principle of freedom of contract and the principle of consensualism as long as they do not violate statutory regulations, public order, and applicable norms (Trisnawati, 2021). A good piece-work contract gives the employer proportional supervision and control without compromising the basic rights of workers. Process management, reporting on work progress, and evaluating the quality of piecework results are integral parts of this system. These provisions are usually designed from the outset in clauses that are both instructive and flexible in order to adjust to the dynamics of the actual work. The agreement will be effective if both parties can exercise all their rights and obligations in a balanced manner, while still ensuring the honor and dignity of each.

The principle of legal certainty is a thought to ensure that the law has been implemented properly so as not to cause harm to any party, because the law must protect and protect everyone (Liow & Setiabudhi, 2023). The combination of legal certainty and contractual flexibility is an interesting issue in piecework arrangements. Many contracts are designed rigidly, but field practice demands flexibility to adjust to changing operational needs. Therefore, a well-drafted piecework contract is usually equipped with a revision or addendum mechanism, so that if there are changes in the scope of work or other external factors, the contract can still accommodate these dynamics without reducing legal certainty. Such a mechanism prevents possible disputes that could be detrimental to both parties.

In its implementation, piecework contracts are often linked to the issue of the sustainability of long-term employment relationships. The contract is often perceived as an effort to avoid the employer's obligations related to workers' normative rights. In fact, the strength of the contract

remains based on the applicable legal guidelines. Contracts that are drafted without regard to legal restrictions and principles of justice will easily be null and void. Therefore, contract makers must always pay attention to these limitations, and prioritize the principle of mutual benefit.

The formulation of a transparent and balanced piece-work contract is one of the instruments that can increase trust between employers and workers. The main value of this process is not just the text of the agreement, but how a working relationship is rooted in clarity, honesty and openness. In the course of the employment relationship, a detailed and meticulous contract becomes the main guarantee of achieving collective work objectives, as well as a tool to mitigate legal risks that may arise at any time.

The dynamics of piecework contracts also require a deep understanding of the development of the business world. Certain sectors, such as construction, manufacturing, and services, have special characteristics that require specific adjustments to the contents of the contract. The balance between the general principles of agreement law and the operational needs of each sector is a meeting point that must be met so that every contract produced has legitimacy, functionality, and high legal acceptability.

In the midst of globalization, the drafting of piecework contracts increasingly requires a cross-disciplinary approach. The implementation of new standards, both national and international, implicitly demands changes in the technical and content of contracts. Inherent aspects such as work safety, social protection, and business ethics, although explicitly stated in sectoral regulations, still need to be elaborated in detail in each contract item to ensure effective implementation.

Drafting a piecework contract cannot be done carelessly. It requires high sensitivity to the detailed needs of both parties, as well as a commitment to the values of justice and legal certainty. By basing every provision on the principles of prudence and transparency, all parties will obtain legal security and certainty in exercising their rights and obligations. This is the foundation for the realization of a healthy, dynamic and dignified piece-work relationship.

Legal Implications of Piece Work Contracts

Piecework contracts have their own role in the employment relationship system in Indonesia, as stipulated in Law No. 13 Year 2003 on Manpower. In Articles 64 and 65, it is stated that work contracting is a form of delegation of part of the implementation of the work of the main company to another company based on a written agreement. This indicates that all contracting processes must be supported by strong legality so that the rights and obligations of the parties can be legally enforced. Legitimate contracting must meet a number of specific requirements, namely that it must be carried out separately from the main activity, is a type of supporting activity, and must not hamper the production and operational processes of the parent company. In addition, the company receiving the charter must be a legal entity so that there is clear legal responsibility in the event of a breach of the agreement.

Labor has an important role and position as one of the components to achieve national development goals, so it is necessary to protect its rights (Rahmania et al., 2022). Based on the Decree of the Minister of Manpower No. KEP-150/MEN/1999, it is explained that piecework workers are workers who get wages based on work results, both in volume and unit results. The drafting of contracts in piecework schemes must also refer to fair and proportional aspects of wages. In practice, this provision aims to ensure that agreements between pieceworkers and workers are always based on measurable and transparent outputs. Thus, both employers and workers have certainty of rights and obligations that can be measured and reviewed objectively, in order to prevent disputes related to the right to wages and payment of work results.

Further provisions are stipulated in Law No. 6 Year 2023 on Job Creation which seeks to simplify and emphasize the legal protection of pieceworkers. This regulation specifically pays attention to the fate of pieceworkers who experience termination of employment (PHK) before the end of their contract period. The right to wages and compensation is very important to note, where all workers' rights must be paid according to the agreement that has been stated in the initial agreement, even though the employment relationship ends prematurely. Article 28 D paragraph (2) of the 1945 Constitution regulates a person's right to work and to receive fair and equitable compensation and treatment in employment

relationships, so that violations of workers' rights are the same as violating the constitutional rights and human rights of workers that have been regulated by the state (Milinum, 2022). With this approach, there is a guarantee that pieceworkers will always have their basic rights protected when facing the risk of losing their jobs. The legal implications of piecework contracts also touch on the aspect of worker rights protection, which is strongly emphasized through the above provisions. One of the main foundations is that even though the work relationship is piecework, workers are still entitled to wages and compensation in the event of unilateral dismissal that is not caused by the worker's fault.

This protection is important in maintaining justice and preventing exploitation in the world of work, especially for workers whose activities are based on work volume or units of work. From the employer's perspective, there is an obligation to carry out education and socialization about workers' rights, as well as to ensure that all piecework agreements are in accordance with applicable labor regulations. Employers cannot rely solely on the output aspect of the employment relationship, but must ensure that the content of the contract meets all formal and substantial provisions, such as the process of carrying out work, the scope of rights and obligations of both parties, and a clear dispute resolution mechanism. Negligence in this aspect can lead to legal sanctions or lawsuits from workers if at any time there is a violation of rights. The existence of legal sanctions against employers who neglect their obligations, in addition to providing protection to workers' rights, will also encourage the formation of a fair and responsible labor climate (Anam et al., 2024).

The role of labor inspectors is vital in enforcing labor law, including the implementation of piecework contracts. The role of labor inspectors is a manifestation of the presence of the State in ensuring the protection of labor rights (Simamora, 2021). Supervisors are responsible for ensuring that the entire contracting process, from contracting to implementation to wage payment, runs in accordance with labor protection principles. If violations are found, such as substandard wages or layoffs without compensation, the supervisor can recommend administrative or legal action against the negligent company. With supervision, the implementation of piecework contracts becomes more controlled and the risk of irregularities is reduced.

The enforcement of regulations related to piecework contracts also has an impact on the stability of industrial relations. The existence of a contract that contains the terms of contracting and guarantees the protection of workers' rights helps build trust between employers and workers. This is very important, given that piecework relationships are often characterized by uncertainty regarding the period of employment, rights to social security, and wage protection.

Lim states that the existence of a work contract between employers and workers shows that the industrial relations that occur adhere to the principle of mutually beneficial relationships and can improve welfare (Fitriyah & Wardhana, 2019). Clear regulations and consistent enforcement are the foundation for the creation of healthy, fair and productive working relationships, and prevent prolonged disputes in the future.

Another impact of implementing legally-based piecework contracts is the establishment of a work climate that is conducive to company productivity. Companies that comply with all legal provisions tend to be more respected by workers, so that working relationships can take place with a high level of trust and collaboration. For workers, certainty over wage and compensation rights brings a sense of security and work motivation, which in turn has a direct impact on improving performance and work results expected by the company.

The entire legal basis governing work contracting, including contracts, wages, compensation rights, and protection against termination, places piecework contracts in a position that is monitored by the national legal system. Any violations that occur will always be resolved through monitoring mechanisms, mediation, and litigation if necessary. The relevant parties can also provide legal assistance, offer advice on how to file a lawsuit or report violations, and facilitate discussions between workers and employers to reach a fair final settlement (Afriani et al., 2023). This indicates that piecework contracts, although business agreements, are still not free from the corridors of legal protection that apply generally to all workers.

Ultimately, piecework contracts that fulfill all formal and material elements as stipulated by the law and ministerial decree will create legal certainty for all parties. This certainty is not only about the right to wages or compensation, but also the certainty of the employment relationship, legal protection, and a guarantee of a clear dispute resolution process.

These legal implications serve as the main foundation for the establishment of a healthy, efficient work climate, while providing maximum protection for the welfare of workers and business continuity in Indonesia.

Increased Legal Certainty in the Implementation of Piece Work Contracts

Legal certainty in the implementation of piecework contracts plays an important role in creating a fair and harmonious working environment. With certainty, each party involved has a strong basis for demanding and exercising agreed rights and obligations. A clear and comprehensive contract will reduce the risk of disputes and strengthen protection against possible violations that harm one of the parties (Horodovenko et al., 2022). One of the first steps in realizing legal certainty is to ensure that all contract clauses are formulated specifically, firmly, and do not cause multiple interpretations. Every important element such as the identity of the parties, the scope of tasks, target results, quality standards, and dispute resolution procedures must be described in detail in the contract document (Lanneau, 2013). This clarity is not only a guideline for the implementation of work, but also the main buffer when deviations or violations occur in the future.

Every piece-work contract should be administered in writing, so that all rights and obligations can be legally proven if problems arise. With official records, the parties can feel more secure and comfortable in carrying out work according to the agreement. The validity of written documents strengthens the legal position of workers and employers, so that every decision taken has a strong basis and can be accounted for (Janderová & Hubálková, 2021).

Continuous supervision of contract implementation is also an important aspect in increasing legal certainty. Each stage of work must be evaluated periodically, starting from the implementation process, progress of results, to the achievement of time targets. Written reports and proof of payment must be well documented, so that if problems occur, the process of finding solutions can be done transparently and data-based (Shcherbanyuk et al., 2023).

Increased legal certainty is also supported by a clear and accessible dispute resolution mechanism. Legal protection is also important to ensure justice and equality between workers and companies (Hanipah et al., 2023). Clauses governing procedures for mediation, negotiation, or settlement through legal institutions must be made clear from the outset. With a definite mechanism, the parties will not hesitate to submit complaints or objections, because a legal and structured path has been provided to resolve each problem in a civilized and proportional manner.

The active participation of all parties in carrying out and monitoring the implementation of the contract is another key factor in maintaining legal certainty. Any changes that occur in the work process must be immediately communicated and accommodated in the form of a contract addendum if necessary. This is important so that the contract is always relevant to the actual conditions in the field, and all parties remain in one understanding.

Discipline and integrity in carrying out the agreement are absolutely necessary so that piecework contracts do not become a one-sided tool to suppress the other party. Compliance with the contents of the contract is a key indicator in upholding the principles of fairness and trust between the two parties. With implementation discipline, violations can be minimized and work productivity can be maintained sustainably.

The role of the government and labor agencies is also crucial in improving legal certainty. Through clear regulations and effective supervision, the government can ensure that every piece-work contract meets the applicable minimum protection standards. Socialization of the importance of good piecework contracts needs to be intensified to all business actors, so that legal awareness increases. With the collaboration between the government, labor institutions, and business actors, it will form a strong foundation for the development of labor law that is in line with industrial relations and socio-economic conditions (Haryani et al., 2023).

In the context of an increasingly dynamic business world, adaptation to change must also be taken into account in every piecework contract. Flexibility formally regulated in the contract will provide space for both parties to respond to work dynamics without losing legal certainty. These adjustments can be a solution when there are changing needs or new challenges arise in the implementation of the work.

With these actions, the implementation of piece work contracts can be more organized, fair, and legally protected. Each party gains a sense of security in their work and business, and has a clear guideline if problems arise in the future. The legal certainty that is created not only protects the rights and interests of individuals, but also contributes to the creation of healthy and productive industrial relations.

Conclusion

Piecework employment relationships in Indonesia have undergone significant developments, along with the enactment of various laws and government regulations that provide better legal certainty for both parties, employers and workers. Based on the above description, it is clear that the drafting and implementation of piece work contracts in accordance with the provisions can be a key instrument for protecting workers' rights as well as a risk mitigation tool for companies. Regulations, ranging from the Manpower Act, Minister of Manpower Decrees to the Job Creation Act, all emphasize the importance of written clauses, clarity in the division of work, and protection of wages and compensation, especially in the event of termination of employment before the contract expires. The active role of employers in disseminating information about workers' rights, as well as supervision from the government, are important pillars to ensure that the implementation of agreements does not deviate from the legal corridor.

Nevertheless, there are still challenges in the field, such as workers' lack of understanding of their rights and the lack of maximum regulatory supervision in each sector. For this reason, all parties need to improve the quality of communication and transparency in the employment agreement process, build an organized administrative system, and ensure that every contract revision accommodates changing needs without leaving the basic legal provisions. The government is also encouraged to be more active in fostering and enforcing regulations to close the loopholes of violations that harm workers. In addition, collaboration between companies and workers in building a transparent contract environment can be the key to creating industrial relations that are healthy, protected, and adaptive to the dynamics and challenges of today's industry. Piecework contracts based on legal certainty, openness, and a sense of justice will realize the welfare of the workforce and support the growth of the business world in Indonesia.

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