

Perbandingan hukum mengenai perjanjian kerja antara Indonesia berdasarkan undang-undang ketenagakerjaan dan Singapura berdasarkan employment act = Comparative law study regarding work agreement between Indonesia based on manpower law and Singapore based on employment act

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Abstrak

Penulisan skripsi ini menggunakan metode penelitian yuridis-normatif dengan menggunakan sumber data sekunder. Pokok permasalahan dalam skripsi ini adalah perbandingan hukum dalam hal pengaturan perjanjian kerja yang dibatasi pada ruang lingkup pengertian, dasar hukum, unsur-unsur, asas-asas, syarat sah, jenis perjanjian kerja, berakhirnya perjanjian kerja dan pengawasan perjanjian kerja antara di Indonesia dan Singapura. Selain itu, pokok permasalahan dalam penelitian ini adalah untuk melihat sejauh mana intervensi negara mengatur perjanjian kerja yang sifatnya perdata dan berlandaskan asas kebebasan berkontrak di kedua negara. Pengaturan perjanjian kerja di Indonesia, utamanya Undang-Undang Ketenagakerjaan, lebih spesifik menentukan perjanjian kerja dan membatasi penerapan kebebasan berkontrak. Sementara, pengaturan perjanjian kerja dalam Employment Act mengatur sebatas pada pengertian dan ruang lingkup berlakunya. Penulisan ini menyarankan beberapa wacana masukan bagi perkembangan pengaturan di Indonesia diantaranya pengaturan vicarious liability dan pembatasannya, pengaturan restraint of trade clause dan pembatasannya, dan pengaturan sanksi administratif bagi pelanggaran ketentuan pencatatan perjanjian kerja.

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This research is using the juridical normative method with literatures as secondary data sources. The main issue of this research is comparative law study between Indonesia and Singapore regarding work agreement in the scopes of definition, legal basis, elements, principles, general rules of contract formation, termination of work agreement, and public administrative supervision. Furthermore, another main issue of this research is to identify how do laws and regulations in both countries restrict the application of freedom of contract toward work agreement as private matters. Laws and regulations in Indonesia, ultimately Manpower Law, stipulate and define work agreement more in detail than laws and regulations in Singapore. The Singapore Employment Act exclusively stipulates work agreement limited to definition and the scopes of work agreement. This research suggests the general discourse in a field of work agreement, based on that comparative law study, to improve laws and regulations in Indonesia, more specifically on vicarious liability and its limitations, restraint of trade clause and its limitations, and administrative penalties toward failures that are committed by employers to comply with the provision of work agreement registration.