



SRIWIJAYA LAW REVIEW

ISSN : 2541-5298 (Print)
ISSN : 2541-6464 (Online)



[HOME](#) [ABOUT](#) [USER HOME](#) [SEARCH](#) [CURRENT](#) [ARCHIVES](#) [ANNOUNCEMENTS](#) [AIMS & SCOPE](#) [EDITORIAL TEAM](#) [JOURNAL POLICY](#) [PUBLICATION ETHICS](#)
[INTERNATIONAL PEER-REVIEWER](#) [JOURNAL HISTORY](#) [CONTACT](#) [INDEXING](#)

[Home](#) > [User](#) > [Author](#) > [Submissions](#) > #2750 > **Summary**

#2750 SUMMARY

[SUMMARY](#) [REVIEW](#) [EDITING](#)

SUBMISSION

Authors	Siti Kunarti, Nur Putri Hidayah, Hariyanto Hariyanto, Muhammad Bahrul Ulum
Title	The Legal Politics of Outsourcing and Its Implication for the Protection of Workers in Indonesia
Original file	2750-7931-1-SM.DOCX 2023-03-09
Supp. files	2750-7932-1-SP.PDF 2023-03-09
Submitter	Mrs Nur Putri Hidayah
Date submitted	March 9, 2023 - 03:37 PM
Section	Articles
Editor	Nurhidayatulloh -
Abstract Views	560

STATUS

Status	Published	Volume 8 Issue 1, January 2024
Initiated	2024-01-31	
Last modified	2024-02-25	

SUBMISSION METADATA

AUTHORS

Name	Siti Kunarti
Affiliation	University of Jenderal Soedirman, Indonesia
Country	Indonesia
Bio Statement	—
Name	Nur Putri Hidayah
ORCID iD	http://orcid.org/0000-0003-0789-3596
URL	https://orcid.org/0000-0003-0789-3596
Affiliation	Universitas Muhammadiyah Malang, Indonesia
Country	Indonesia
Bio Statement	—
Principal contact for editorial correspondence.	
Name	Hariyanto Hariyanto
ORCID iD	http://orcid.org/0000-0003-3905-8851
URL	https://orcid.org/0000-0003-3905-8851
Affiliation	Universitas Islam Negeri Profesor Kiai Haji Saifuddin Zuhri Purwokerto, Indonesia
Country	Indonesia
Bio Statement	—
Name	Muhammad Bahrul Ulum
ORCID iD	http://orcid.org/0000-0002-5600-5500
Affiliation	School of Law, Queensland University of Technology, Australia
Country	Australia
Bio Statement	—

TITLE AND ABSTRACT

Title	The Legal Politics of Outsourcing and Its Implication for the Protection of Workers in Indonesia
Abstract	

This research aimed to analyse where the legal politics concerning outsourcing in Indonesia's legal system by scrutinizing its regulation in Book III of the Civil Code and enforcement of the Government Regulation in lieu of Law concerning Job Creation Law Number 6/2023, with its following implication to protect workers at the national level. This research employed doctrinal

SCIMAGO JOURNAL & COUNTRY RANK



INDEXING SITES



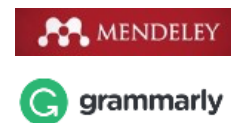
FOR AUTHOR



COPYRIGHT AGREEMENT



RECOMMENDED TOOLS



ACCREDITED CERTIFICATION

legal research on legal instruments related to outsourcing with statutory, conceptual, and historical approaches. The research showed that legal politics concerning outsourcing had experienced dynamic congruence with the political configuration when the legislative product on outsourcing was made. The differences emerge where outsourcing is not restricted to certain occupations in Book III of the Civil Code of Indonesia. However, Law Number 13/2003 restricted the definition of outsourcing to occupations not related to core businesses. Law Number 11/2020 and Government Regulation Number 35/2021 fit employers. Both laws govern the legal protection for outsourced employees with the transfer of undertaking to protect employment regarding changing vendors with the condition that the jobs are still available. Meanwhile, the type of work outsourced is unlimited, resulting in a deficit compared to the previous norm.

INDEXING

Keywords Legal Politics; Outsourcing; Indonesia
 Language en

SUPPORTING AGENCIES

Agencies —

REFERENCES

References

REFERENCES

Androniceanu, Armenia. "Transparency in Public Administration as a Challenge for a Good Democratic Governance." *Administratie Si Management Public* 2021, no. 36 (2021): 149–64. <https://doi.org/10.24818/AMP/2021.36-09>.

Ansari, Tunggul, and Setia Negara. "Normative Legal Research in Indonesia: Its Origins and Approaches." *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (February 2023): 1–9. <https://doi.org/10.22219/ACLJ.V4I1.24855>.

Bailey, W, R Masson, and R Raeside. "Outsourcing in Edinburgh and the Lothians." *European Journal of Purchasing & Supply Management* 8, no. 2 (June 2002): 83–95. [https://doi.org/10.1016/S0969-7012\(01\)00008-9](https://doi.org/10.1016/S0969-7012(01)00008-9).

Banerjee, Abhijit, Rema Hanna, Jordan Kyle, Benjamin A. Olken, and Sudarno Sumarto. "Private Outsourcing and Competition: Subsidized Food Distribution in Indonesia." <https://doi.org/10.1086/700734>, no. 1 (February 2019): 101–37. <https://doi.org/10.1086/700734>.

Belcourt, Monica. "Outsourcing — The Benefits and the Risks." *Human Resource Management Review* 16, no. 2 (June 2006): 269–79. <https://doi.org/10.1016/j.hrmr.2006.03.011>.

Beltzer, Ronald M. "The Transfer of Undertakings and the Importance of Taking Over Personnel – A Vicious Circle." *International Journal of Comparative Labour Law and Industrial Relations* 23, no. Issue 1 (March 2007): 139–55. <https://doi.org/10.54648/IJCL2007007>.

Christiani, Theresia Anita. "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object." *Procedia - Social and Behavioral Sciences* 219, no. 1 (May 2016): 201–7. <https://doi.org/10.1016/j.sbspro.2016.05.006>.

Conrad, Christoph. "Social History." *International Encyclopedia of the Social & Behavioral Sciences: Second Edition*, March 2015, 307–12. <https://doi.org/10.1016/B978-0-08-097086-8.62127-X>.

Damanik, Sehat. "Outsourcing Dan Perjanjian Kerja." Jakarta: DSS Publishing, 2007.

Diab L, Ashadi, Iswandi Iswandi, Andi Yaqub, Lian M Muntholib, and A. Zamakhsyari Baharuddin. "Safeguarding Consumers: The Role of Industry and Trade Office in Countering Monopolistic Practices and Ensuring Business Protection." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 2, no. 2 (December 2023): 299–312. <https://doi.org/10.24090/VOLKSGEIST.V6I2.9065>.

Dolgui, Alexandre, and Jean-Marie Proth. "Outsourcing: Definitions and Analysis." *International Journal of Production Research* 51, no. 23–24 (November 2013): 6769–77. <https://doi.org/10.1080/00207543.2013.855338>.

Dr. Isharyanto, S.H., M.Hum. POLITIK HUKUM. viii. CV KEKATA GROUP, 2016.

Farrrell, Katharine N., and D. Löw Beer. "Producing the Ecological Economy: A Study in Developing Fiduciary Principles Supporting the Application of Flow-Fund Consistent Investment Criteria for Sovereign Wealth Funds." *Ecological Economics* 165 (November 2019): 106391. <https://doi.org/10.1016/J.ECOLECON.2019.106391>.

Gielen, Dolf, Francisco Boshell, Deger Saygin, Morgan D. Bazilian, Nicholas Wagner, and Ricardo Gorini. "The Role of Renewable Energy in the Global Energy Transformation." *Energy Strategy Reviews* 24 (April 2019): 38–50. <https://doi.org/10.1016/J.ESR.2019.01.006>.

Gunasekaran, Angappa, and Bulent Kobu. "Performance Measures and Metrics in Logistics and Supply Chain Management: A Review of Recent Literature (1995–2004) for Research and Applications." *International Journal of Production Research* 45, no. 12 (June 2007): 2819–40. <https://doi.org/10.1080/00207540600806513>.

Hadi, Sudharto P, Rizkiana S. Hamdani, and Ali Roziqin. "A Sustainability Review on the Indonesian Job Creation Law." *Heliyon* 9, no. 2 (February 2023): e13431. <https://doi.org/10.1016/J.HELIYON.2023.E13431>.

Hamel, Gary, and Coimbatore K Prahalad. "The Core Competence of the Corporation." *Harvard Business Review* 68, no. 3 (1990): 79–91.

Hariyanto, Hariyanto. "Risk-Based Business License and Problems Arising After The Job Creation ACT." *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 2 (August 2022): 354–66. <https://doi.org/10.29303/IUS.V10I2.1082>.

Hidayah, Nur Putri. "Comparative Study of Legal Protection for Migrant Workers in Participation of Social Security Programs in Indonesia and Singapore." *Legality Jurnal Ilmiah Hukum* 28, no. 1 (2020): 47–59.

Hidayah, Nur Putri, Quincy R Cloet, and David Pradhan. "The Implementation of Labor Development Principles According to Job Creation Law as a Reason to Protect Wages Rights." *Bestuur* 9, no. 1 (2021): 68–76. <https://doi.org/https://dx.doi.org/10.20961/bestuur.v9i1.49252>.

Hung Lau, Kwok, and Jianmei Zhang. "Drivers and Obstacles of Outsourcing Practices in China." *International Journal of Physical Distribution & Logistics Management* 36, no. 10 (December 2006): 776–92. <https://doi.org/10.1108/09600030610714599>.

Iqbal, M., M. Misbahul Mujib, and Yuliannova Lestari. "Does Omnibus Law Affect the Indonesian Investment Regulations towards Chinese Investors?" *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* V, no. 40 (2022): 179–97. <https://doi.org/10.24090/volksgeist.v5i2.6838>.

Jubba, Hasse, Ahmad Sunawari Long, Zuly Qodir, Umar Werfete, and Muhamad Nastain. "Changes in the Political Behavior of Towani Tolotang as a Minority Religious Group: Fiqh Al-'Aqaliyyat Perspective." *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (December 2023): 392–419. <https://doi.org/10.19105/AL-LHKAM.V18I2.10184>.

Knight, Louise, and Christine Harland. "Outsourcing: A National and Sector Level Perspective on Policy and Practice." In *Best Practice Procurement*, 55–62. Gower, 2001.

Kunarti, Siti. "Perjanjian Pemborongan Pekerja (Outsourcing) Dalam Hukum Ketenagakerjaan." *Jurnal Dinamika Hukum* 9, no. 1 (2009): 67–75.

———. "The Power of Mediator Suggestions in Mediating the Settlement of Pancasila Industrial Relations Disputes Outside the Court." *Jurnal Dinamika Hukum* 19, no. 3 (October 2020): 795. <https://doi.org/10.20884/1.jdh.2019.19.3.1881>.

Kunarti, Siti, Tedi Sudrajat, and Sri Wahyu Handayani. "Transformation of Social Security



PARTNERSHIP



USER

You are logged in as...
nurputri
[My Journals](#)
[My Profile](#)
[Log Out](#)

NOTIFICATIONS

[View](#)
[Manage](#)

JOURNAL CONTENT

Search

Search Scope

Browse

[By Issue](#)
[By Author](#)
[By Title](#)
[Other Journals](#)

AUTHOR

Submissions
[Active \(0\)](#)
[Archive \(1\)](#)
[New Submission](#)

SLRev Visitor

Total 93315

OnLine 2

00496277

[Journal Help](#)

Administrative Body (BPJS) within Social Security Reform in Indonesia." SHS Web of Conference 54, no. 1 (2018): 1–6. <https://doi.org/10.1051/shsconf/20185403017>.

Kurniawan, Puji. "Pengaruh Politik Terhadap Hukum." *Jurnal AL-MAQASID: Jurnal Ilmu Kesyahriaan Dan Keperdataan* 4, no. 1 (2018): 29–42.

Lev, Daniel S. "Hukum Dan Politik Di Indonesia (Kesinambungan Dan Perubahan)," 1990.

Linna, Kurniawati, Budiono Abdul Rachmad, Permadi Iwan, and Safa'at Rachmat. "THE COMPARISON OF OUTSOURCING SYSTEM ARRANGEMENTS BETWEEN INDONESIA AND SINGAPORE Kurniawati." *RJOAS: Russian Journal of Agricultural and Socio-Economic Sciences* 1184, no. 2 (2016): 1–23. <https://doi.org/10.18551/rjoas.2023-02.01>.

Mahfud, Moh. *Politik Hukum Di Indonesia*. Lp3s, 1998.

Mahy, Petra. "Indonesia's Omnibus Law on Job Creation: Reducing Labour Protections in a Time of COVID-19." *SSRN Electronic Journal* 23 (January 2021): 1–23. <https://doi.org/10.2139/ssrn.3772526>.

McMullen, J. "An Analysis of the Transfer of Undertakings (Protection of Employment) Regulations 2006." *Industrial Law Journal* 35, no. 2 (June 2006): 113–39. <https://doi.org/10.1093/indlaw/dwl010>.

McMullen, John. "Transfer of Undertakings: The Purposive Approach." *Industrial Law Journal* 48, no. 2 (July 2019): 317–35. <https://doi.org/10.1093/indlaw/dwz004>.

Novak, Sharon, and Scott Stern. "How Does Outsourcing Affect Performance Dynamics? Evidence from the Automobile Industry." *Management Science* 54, no. 12 (December 2008): 1963–79. <https://doi.org/10.1287/mnsc.1080.0922>.

Nur Febya Adhawayah, and Imam Budi Santoso. "PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL DALAM PEMENUHAN HAK PEKERJA YANG DIPUTUS HUBUNGAN KERJA." *The Juris* 6, no. 2 (December 2022): 502–10. <https://doi.org/10.56301/juris.v6i2.623>.

Padmo, Wahjono. "Indonesia Negara Berdasarkan Atas Hukum." Jakarta: Ghalia Indonesia, 1986.

Pratiwi, Wiwin Budi, and Murti Ayu Hapsari. "Comparative Study of Outsourcing in Indonesia: What Can Indonesia Learn from Outsourcing in Japan." *Proceedings of the International Conference on Sustainable Innovation on Humanities, Education, and Social Sciences (ICOSI-HESS 2022)*, December 2022, 53–61. https://doi.org/10.2991/978-2-494069-65-7_6.

Retno Widyorini, Sri, and Aniek Tyaswati WL. "Work Agreement on Outsourcing System and Legal Protection for Workers." *International Journal of Educational Research & Social Sciences* 3, no. 1 (2022): 484–99. <https://doi.org/10.51601/ijersc.v3i1.300>.

Risky, Saiful, Sholahuddin Al-Fatih, and Mabarroh Azizah. "Political Configuration of Electoral System Law in Indonesia from State Administration Perspective." *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 6, no. 1 (2023). <https://doi.org/https://doi.org/10.24090/volksgeist.v6i1.7940>.

Sabherwal, Rajiv. "Synthesis: Outsourcing of Information Services: Where Are We?" *Progress in IS*, 2020, 469–81. https://doi.org/10.1007/978-3-030-45819-5_19.

Salam, Abdus. "Pengaruh Politik Dalam Pembentukan Hukum Di Indonesia." Mazahib, 2015.

Salam, Faisal. "Penyelesaian Perselisihan Perburuhan Industrial Di Indonesia." Bandung: Mandar Maju, 2009.

Satjipto, Rahardjo. "Ilmu Hukum." Cetakan ke-IV, PT. Citra Aditya Bakti, Bandung, 2006.

Setiawan, Ajeng Irma, and Ayuningtyas Yuli Hapsari. "The Relationship Between The Work Environment and Work Motivation at PT. X (An Outsourcing Company) In Bandung, Indonesia." *Kontigensi : Jurnal Ilmiah Manajemen* 10, no. 1 (June 2022): 140–48. <https://doi.org/10.56457/JIMK.V10I1.266>.

Siahaan, Elisabet. "Investigating the Source of Employees' Intention to Leave: A Case on Outsourced Employees." In *Proceedings of the 1st Economics and Business International Conference 2017 (EBIC 2017)*. Paris, France: Atlantis Press, 2018. <https://doi.org/10.2991/ebic-17.2018.67>.

Siboy, Ahmad, Sholahuddin Al-Fatih, Virga Dwi Efendi, and Nur Putri Hidayah. "The Effectiveness of Administrative Efforts in Reducing State Administration Disputes." *Journal of Human Rights, Culture and Legal System* 2, no. 1 (2022): 14–30. <https://doi.org/10.53955/jhcls.v2i1.23>.

Silitonga, Saritua, Muhammad Hasbi, Muhammad Dhobit, Azhary Lubis, and Avib Setian. "Legal Obligation Of Outsourcing Business Activities Based On Creation Of Employment Law." *INFOKUM* 10, no. 5 (December 2022): 564–72.

Simanjuntak, Yoan Nursari. "Hukum Responsif: Interrelasi Hukum Dan Dunia Sosial." *Jurnal Yustika* 8, no. 1 (2005): 39–45.

Sinaga, Niru Anita. "Perlindungan Hukum Bagi Pekerja / Buruh Dan Pengusaha Dalam Pelaksanaan." *Jurnal Ilmiah Hukum Dirgantara* 5, no. 2 (2015): 1–18.

Skinner, Wickham. "Manufacturing-Missing Link in Corporate Strategy," 1969.

Sopiani, Sopiani, and Zainal Mubaraq. "Politik Hukum Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan." *Jurnal Legislasi Indonesia* 17, no. 2 (June 2020): 146. <https://doi.org/10.54629/jli.v17i2.623>.

Suwondo, Chandra. "Outsourcing Implementasi Di Indonesia." Jakarta: PT. Elex Media Computindo, 2004.

Titze, Julian. "Service Provision Changes – Lessons for the Continent?" *European Labour Law Journal* 6, no. 3 (September 2015): 239–58. <https://doi.org/10.1177/201395251500600304>.

Veeramani, Choorikkad, and Purna Banerjee. "Exchange Rate Fluctuations, Labour Laws, and Gender Differences in Job Flows: Analysis of Manufacturing Industries across Indian States." *World Development* 152 (April 2022): 105802. <https://doi.org/10.1016/J.WORLDDEV.2021.105802>.

FONT SIZE

KEYWORDS

Alternative Dispute Resolution Armed conflict
 Catch Record Climate change Compulsory
 Labour Covid-19 Criminal Justice Sys-tem
 Democracy Human Rights Human rights
 Individual Debtors **Indonesia**
 Indonesia. International Law Law
 enforcement Pancasila Restorative Justice.
 State Responsibility State's responsibility.
 Unreported Fishing environmental law



Sriwijaya Law Review (SLRev) ISSN: 2541-5298 | e-ISSN: 2541-6464 is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-sa/4.0/).

SLRev has been indexed by:



[View full indexing services](#)

SLRev Member of :



Plagiarism Detection by:

