

## **ABSTRACT**

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### **INCLUSION OF NON-COMPETITION CLAUSE ON EMPLOYMENT AGREEMENT**

(x + 138 pages)

A non-competition clause is a clause in the employment agreement which stipulates that the employee agrees not to work as an employee or agent of a company that is considered a competitor or engages in the same line of business or establishes the same industry for a particular time after termination or termination of employment. The company states this clause as the employer to protect all the company's interests, especially related to the protection of trade secrets and other important company information so that they are not disseminated by workers to competing companies after they are no longer working. The inclusion of the non-competition clause has contradicted several laws and regulations forced in Indonesia related to the human rights of every worker to freely choose a job and work so that the existence and validity of the inclusion of the non-competition clause is questioned. The purpose of this study was to determine and analyze legal certainty and protection and the validity of the inclusion of non-competition clauses in work agreements. The research method used is normative-empirical legal research in the form of non-judicial case studies with an approach to legal principles and using secondary data in the form of primary, secondary, tertiary legal materials complemented by primary data in the form of short interviews and real examples in the community. The results of this study indicate that the non-competition clause has drawn many contra opinions because it limits the rights of workers to choose a job and work too long. The absence of clear rules makes this clause not provide legal certainty, legal protection and is not legally valid. To protect trade secrets and essential company information can use a non-disclosure agreement.

References : 102 (1979-2021)

Keywords : Non-Competition Clause, Non-Disclosure Agreement, Employment Agreement