

ABSTRACT

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JURIDICAL REVIEW OF UNLAWFUL ACT AND ACCOUNTABILITY FOR DAMAGES DUE OF SCHOOL CERTIFICATE DETENTION ACTION OF LABOUR (CASE STUDY ON DECISION OF THE LIMBOTO STATE COURT NUMBER 26/Pdt.G/2016/PN. Lbo)

(ix+111 pages +1 attachments)

Each person can obtain the work performed by the worker through his own business or by binding himself with other parties, such as agencies or companies in an employment agreement. Often the implementation of collective labor agreements is not in accordance with what is written in the agreement. The failure to implement collective labor agreements, both by employers and workers, has an impact on the occurrence of industrial relations disputes, one of which is the emergence of clauses that contain provisions regarding the detention of diplomas for employees in work agreements. In the matter of detaining a worker's certificate in the Limboto District Court Decision with Case Number 26 / Pdt.G / 2016 / PN Lbo, the Panel of Judges considered that this act was an act against the law which resulted in the Plaintiff experiencing losses, one of which was due to the detention of the Plaintiff's certificate so that Plaintiffs cannot apply for work again. The detention of a certificate carried out has fulfilled all elements of an act against the law, namely the existence of an act, the act is against the law, violates the subjective rights of others, and is against the principles of decency and appropriateness prevailing in society, Based on this, it is appropriate for the Plaintiff to receive compensation for the detention of the certificate in the form of returning the certificate by the company as well as other compensation that may be due to the detention of the certificate.

References: 28 (1968-15)

Keywords: School Certificate Detention, Employment Agreement, Unlawful Act, Compensation