
Guarantee of legal trade against wages at PT. Gorontalo Citra Lestari

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ABSTRACT

This research aims to find out how The Legal Protection of Workers' Wages in PT. Gorontalo Citrea Lestari. The type of research used in this paper is empirical research. This research uses a *case approach*, by conducting a review of cases related to the issues faced that have become court decisions that have had permanent powers. The results of this study show the Legal Protection of Workers' Wages in PT. Gorontalo Citra Lestari has not fully run optimally, this is proven by the violation of the law felt by workers. Preferably pt. Gorontalo Citra Lestari is more concerned with the protection of its workers by labor laws, and the protection of workers must be implemented to the maximum this creates a sense of security and comfort towards workers and does not cause things that are not desirable.

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I. INTRODUCTION

Background

Since the beginning of the history of the formation of mankind in the context of interaction in society, the issue of rules or norms is a necessary disaster to achieve harmonization of life. Empirically sociological rules or norms are demands or keys in achieving stabilization of interactions so that violations of rules or norms will be punished or social sanctions.¹ The interaction of human life in society, throughout life nothing goes straight, smooth and safe. Throughout human life, the name of disputes, crimes, injustices, discrimination, social inequalities, SARA conflicts, and so on is the color of the reality faced.² State involvement is also one of the characters of the phenomenon of conflict.³

This human life has diverse needs, to be able to meet all those needs, then man is required to work. Both self-employed work and work for others. Self-employed work means working on capital efforts and their responsibilities. While working for others means to work dependent on others, who give orders and send them, because he must submit and obey others who give the work.⁴ In the Dutch colonial era, the intended workers were menial workers such as porters, artisans, foremen who did menial work. These people he referred to as the "BlueCollar". While those who do work in government and private offices are referred to as "employees/employees" (WhiteCollar). controlled by the state.⁵ The distinction that brought consequences to differences in treatment and rights by the Dutch government was inseparable from efforts to divide indigenous people. .⁶ So in modern times is an era where humans are required to develop themselves.⁷ Indonesia is one of the countries that put forward the constitution in every aspect of national and state life.⁸ The results of policies issued by the Government are solely derived from the wishes of the community.⁹ Every constitution that is enacted can be ascertained to contain what is the ideal or purpose of the state.¹⁰

¹ Saifullah, *Refleksi Sosiologi Hukum* (Bandung: Refika Aditama, 2010), 25

² *Ibid*, 25

³ Arwana, Yudha Chandra, (2019). "Jalur Mediasi dalam Penyelesaian Sengketa Pertanahan Sebagai Dorongan Pemenuhan Hak Asasi Manusia." *JALREV* 1 (2), 216

⁴ H. Zainal Asikin, dkk, *Dasar-Dasar Hukum Perburuhan* (Jakarta: PT. Raja Grafindo Persada, 2016),1

⁵ Mohamad Rivaldi Moha. (July, 2020). *Urgensi Pendaftaran Penyelenggara Sistem Elektronik Bagi Pelaku Usaha E-Commerce*. *JALREV* 2 (2), 115

⁶ Then Husni, *Introduction to Employment Law* (Jakarta:PT. Rajagrafindo Persada, 2014),45

⁷ Bakung, Dolot Alhasni. (2020) *Determinasi Perlindungan Hukum Pemegang Hak Atas Neighboring Right*. *JALREV* 2 (1), 67

⁸ Fakhris Lutfianto Hapsoro. (July, 2020). *Interpretasi Konstitusi dalam Pengujian Konstitusionalitas untuk Mewujudkan The Living Constitution*. *JALREV* 2 (2), 145

⁹ Putri Handayani Nurdin.(July, 2019). *Politik Hukum Pengaturan Pendidikan Politik oleh Partai Politik*. *JALREV* 1 (2). Hal 146

¹⁰ Novendri M. Nggilu, Fence M. Wantu. (Januari, Juni 2020). *Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar mewujudkan Pemerintah Berkualitas Konstitusi*. *Jurnal Hukum* 15 (1), 135

Thus this juridical problem must be reformulated a legal policy in accommodating.¹¹

In the current economic perspective, variable unemployment rates are considered one of the core measurements of government performance success. The government's fundamental task is to address this while taking into account the health of the workers and environmental safety through job creation. In reflecting on the constitution, the president has a responsibility that is not light, the president is required to realize what is an Orchidee as stated in the Preamble to the 1945 Constitution.¹² The central government makes regulations that are then followed up by the local government as regional stakeholders in setting policies related to the ownership of village heads.¹³

Currently, the Copyright Bill is often said to reduce the health level of workers and workers. When compared to neighboring countries, the minimum wage of workers in Indonesia is much higher. The high minimum wage makes the competitive level of domestic products lose in international and regional trade. But the high wages of workers are not accompanied by high productivity.

In all work activities of a company often arise disputes between workers and company leaders. Issues that are often issues are issues of working hours (overtime, shift arrangements), absenteeism, promotions, employment wages, job stops, and other issues. To solve various problems that arise, special guidelines are made that regulate the rights and obligations of employees and companies known as collective labor agreements (PKB).¹⁴

Law Regulation No. 13 of 2003 Article 108 requires employers who employ workers of at least 10 (ten) people to make a Company Regulation (PP) or Collective Labor Agreement (PKB) that comes into force after being ratified by the Minister or appointed official. There needs to be comprehensive clarity on the rights and obligations between employers and workers and order in working and in the work environment. ILO Convention No. 98 governs the basis of the right to negotiate and negotiate together.¹⁵ Work optimally in their respective work environments.¹⁶ Article 86 paragraph (1) letter (a) of Law No. 13 of 2003 on occupational health is one of the rights of workers or workers for that employers

¹¹ Dian Ekawaty Ismail. dkk. (2020). *Intelijen Kejaksaan Perspektif Ketatanegaraan Indonesiadan Ketatanegaraan Islam*. Jurnal Al-Mizan. 16 (1), 66

¹² Fence M. Wantu, Novendri M. Nggilu. (Januari-Juni 2020). *Menapaki Jalan Konstitusional Menuju Zaken Cabinet: Ikhtiar mewujudkan Pemerintah berkualitas Konstitusi*. Jurnal Hukum Samudra Keadilan. 15 (1), 127

¹³ Abdul Hamid Tome, dkk. (Januari, 2021). *Kebijakan Pemerintah Daerah Dalam Pelaksanaan Pemilihan Kepala Desa*. Jurnal Al-Adalah : Jurnal Hukum dan Politik Islam. 6 (1), 39

¹⁴ *Ibid*, 120

¹⁵ *Ibid*,

¹⁶ Iriyanto Tiranda. (July, 2019). *Konsep Ideal Penanganan Perkara Tindak Pidana Korupsi Pungutan Liar Berdasarkan Asas Peradilan*. JALREV 1 (2), 132

are obliged to carry out systematically and integrated with the company's management system. Occupational health efforts aim to protect workers or workers to realize optimal work productivity, using prevention of accidents and diseases due to work, control of workplace hazards, health promotion, treatment, and rehabilitation. Thus the purpose of occupational health is: Protecting workers from the risk of occupational accidents; Improving the health of workers; So that workers or workers and those around them are guaranteed their health; Ensuring that production is maintained and used safely and effectively.¹⁷

It cannot be denied, the problem of employment law in Indonesia has been recorded long before the country gained its independence. The rolling time has given birth to an employment law figure who is far from the nuances of regularity in the process of its survival. One of the most problems that have been part of the diversity of labor law studies since long ago in the form of justice that is considered unfair or an effort to create an acceptance of the sense of injustice in a shadow of justice.¹⁸

It cannot be denied, the role of labor in national development is increasing with various challenges and risks faced by it. Development is a strategic step towards realizing national goals.¹⁹ Therefore, the workforce needs to be given legal protections for labor wages, so that in turn it will be able to increase national productivity. One of the efforts to protect the workforce is to conduct supervision related to the implementation of labor. The implementation of labor supervision becomes important to ensure the process of organizing employment runs by existing provisions. Article 1 number 32 of Law No. 13 of 2003 on Employment and Article 1 number 1 prepares No. 21 of 2010 on Employment Supervision defines employment supervision as an activity to supervise and enforce the implementation of laws and regulations in the field of employment. The guidebook issued by the ILO mentioned that employment supervision is a functioning public from the employment administration that ensures the implementation of employment legislation in the workplace.²⁰

Therefore, although the law has specifically regulated the rights and obligations of employers and workers, problems as outlined above still occur in the field. This is evidenced by the still occurrence of disputes between workers and employers, especially regarding the rights of workers who are not given by the employment agreement. For example, a case that occurred in one of the companies in North Gorontalo Regency, namely in PT. Gorontalo Citra Lestari, which is engaged in the field of wood planting and breeding. The number of employees is 164 or, late

¹⁷ Undang-Undang Nomor 13 Tahun 2003 tentang kesehatan kerja

¹⁸ Sayid Mohammad Rifqi Noval, *Hukum Ketenagakerjaan-Hakikat Cita Keadilan Dalam Sistim Ketenagakerjaan*, (Bandung: Refika Aditama, 2017), 1

¹⁹ Ahmad Rustan Syamsuddin. (July, 2020) *Pembuktian Penyalahgunaan Wewenang Dalam Perkara Tindak Pidana Korupsi Pengadaan Barang dan Jasa*. JALREV 2 (2), 163

²⁰ Mutia Ch Thalib dan Condro Susanto Riyadi, (2020). *Jaminan Perlindungan Hukum Terhadap Kesehatan Dan Keselamatan Kerja Kepada Tenaga Kerja Konstruksi*, Jurnal Legalitas, 13 (2), 82

payment of wages of all employees, overtime wages of 2 or, BPJS arrears are all karywan.

In its activities as one of the companies engaged in planting and breeding, the company is a producer of wood raw materials. This company has quite a lot of employees as a workforce employed by the company. Therefore, as one of the companies producing wood raw materials that have a big name, of course, the company has a clear permit and legality in carrying out its activities, and one of the obligations that must be fulfilled by the company is the obligation in the form of providing working wages and other rights that must be given to employees or workers, such as a decent wage regulated under labor laws and company regulations.²¹ So that the government is careful in solving a problem that has to do with society.²² However, over time in carrying out its activities, the company was negligent in granting workers' rights, in the form of delays in salaries paid for a period of up to three months. In addition, overtime wages have not been paid for the past three years, and are currently in the process of prosecution by workers against the company.

Problem Statment

Based on the background description of the problem, it can be formulated the problem in this study, namely how to guarantee legal protection of workers' wages in PT. Gorontalo Citrea Lestari.

Research Methods

The type of research that will be used by researchers is the type of empirical research, empirical research is to describe the conditions seen in the field as-is. Meanwhile, in this study, using the *case approach (case approach)* the case approach is carried out by conducting a review of cases related to the issues faced that have become court decisions that have had permanent powers. So that the author can describe that this data analysis uses qualitative analysis techniques where the study will produce descriptive data in the form of words, sentences and obtained from the oral respondents.²³

2. DISCUSSION

2.1 Guarantee of Legal Protection of Workers' Wages in PT. Gorontalo Citra Lestari

The employment relationship is the relationship between the Worker and the Employer after the Employment Agreement, which is an agreement in which the

²¹ Weny A. Dunga dan Abdul Hamid Tome, (Januari 2019). *Identifikasi Faktor Penghambat Penyelenggaraan Pengawasan Ketenagakerjaan Di Provinsi Gorontalo "Identification Of Obstacle Factors In Control Of Labour Supervision In Gorontalo Province"* Jurnal Jambura Law Review, 1 (1) , 3

²²Fitriyadi, Ahmad Adi. (2020). *Diferensiasi Pengungsi dan Pencari Suaka dalam Hukum Pengungsi Internasional dan Hubungannya dengan Prinsip Non-Refoulement*. JALREV 2 (2), 127

²³Sabian Utsman. *Metodologi Penelitian Hukum Progresif*. (Yogyakarta: Pustaka Pelajar, 2012), 105

party to the one, the worker binds himself to the other party, the employer to work with wages and the employer declares his ability to hire the worker by paying wages. Labor/labor relationship with PT. Gorontalo Citra Lestari is done through agreements made in writing, in the form of a Letter of Agreement for a Certain Time, a Letter of Agreement agreement for a certain time made by employers with workers. By the provisions of Article 65 paragraph (1) of Law No. 13 of 2003 on Employment, namely: "The submission of part of the implementation of work to other companies is carried out through a work-funneling agreement made in writing.

As for the implementation of legal protection provided by PT. Gorontalo Citra Lestari to the workforce/workers to guarantee the rights of workers/workers is as follows:

1. Wage Protection and Labor Social Security

Wages play a very important role and are characteristic of a labor relationship and it is even said that wages are the main goal of a worker who does work on another person or legal entity. That's why the government participates in dealing with this wage problem through various policies outlined in the Laws and Regulations. Every worker deserves a decent income for humanity. To realize a decent income, the government establishes protection with wages for workers. The realization of decent income is done by the government through the establishment of the minimum wage based on decent needs. Wage arrangements are established based on agreements between employers and workers aiming at social welfare.²⁴

Wages are one of the most important aspects of worker or labor protection. It is explicitly explained in Article 88 paragraph (1) of Law No. 13 of 2003 that every worker or worker is entitled to income that meets a decent livelihood for humanity. According to Article 1 number 30 of Law No. 13 of 2003, wages are the rights of workers or workers who are accepted and declared in the form of money in return from employers or employers to workers or workers who are determined and paid according to employment agreements, agreements, or laws and regulations, including benefits for workers or workers and their families for a job and or services that have been or will be done. Based on the Regulation of the Minister of Manpower Number PER- 01/MEN/1999 jo. Decree of the Minister of Manpower and Transmigration Number KEP-226 / MEN / 2000 the range of minimum wage applies area includes: Provincial minimum wage (UMP) applies in all districts or cities in 1 (one) province; Minimum wage district or city (UMK) applies in 1 (one) district or city area. Labor social security is a form of protection provided to workers and their families against various risks

²⁴Ariefulloh. (2019). *Dilema Penerapan Sanksi Pelanggaran Lalu Lintas Terhadap Anak*. JALREV 1 (2), 199

experienced by workers. The number of workers in Indonesia is very large, is about 100 million people will continue to grow more than 2 (two) percent per year. The form of Social Security Protection of Labor is now realized in Law Number: 40 of 2004 on the National Social Security System and Law Number: 24 of 2011 on BPJS, consisting of BPJS Health and BPJS Employment. So now the form of protection, maintenance, and improvement of welfare in the present is organized by the Social Security Agency (BPJS). BPJS currently includes BPJS Kesehatan and BPJS Employment which is a continuation of the Labor Social Security that was previously implemented by PT. Jamsostek. What is meant by Labor Social Security is a protection for workers in the form of health insurance and also compensation in the form of money instead of some of the lost or reduced income and services as a result of events or circumstances experienced by workers in the form of work accidents, illness, pregnancy, childbirth, old age, and death.²⁵

Based on the results of the interview Mr. Amin Suleman carrying out his duties or work by his position and responsibilities, to workers/workers are given a basic wage/salary every month by the Provincial Minimum Wage (UMP) which is Rp.2,586,900 (Two Million Five Hundred Eighty-Six Nine Hundred), meal and transportation allowances of Rp. 150,000.00, (One Hundred and Fifty Thousand Rupiah), Wages paid by PT. Gorontalo Citra Lestari to workers no later than the 28th after closing the book the following month. Basic wages/salaries paid by PT. Gorontalo Citra Lestari to the workforce/workers will be subject to a social security premium of 2% (two percent) of the basic wages that have been paid. But this is felt for workers who work unrealized, because the company does not pay workers' wages for three months, and workers' social media is not paid for 14 months.

Mr. Abdul Rahman Diko further explained that workers/workers who do not enter work/leave, then wages/salaries are not paid or will be cut proportionally. But for workers who are unable to carry out their duties because of sick permits still get wages as usual. While overtime wages are felt for workers who work at 16.00-18.00 WIB is not realized, and is still not appropriate for rest time and working hours gave from PT. Gorontalo Citra Lestari. PT. Gorontalo Citra Lestari its workforce in wages by the provisions of Article 1 number 30 of Law No. 13 of 2003 on Employment provides an understanding of wages are the rights of workers received and expressed in the form of money in return from employers or employers to workers who are determined and paid according to an employment agreement, agreement, or legislation, including benefits for workers and their families for a job and/or services that are It, has been or will be done.^{26,27}

²⁵ Undang-Undang Nomor : 24 tahun 2011 tentang BPJS

²⁶ Interview with Mr Abdul Rahman Diko

²⁷ Undang-Undang No. 13 Tahun 2003 tentang Ketenagakerjaan

1. Overtime Pay

Many of the workers still do not know in detail about the calculation of overtime pay. Sometimes workers only receive overtime wages set by the company or sometimes there are still many who do not get overtime money. Overtime pay is the wage that workers receive for their work by the amount of overtime they do.

Overtime is a working time that exceeds 7 hours a day for 6 working days and 40 hours in a week or 8 hours a day for 8 working days and 40 hours in a week or working time on weekly rest days and on official holidays stipulated by the Government (Article 1 paragraph 1 of Ministerial Regulation no.102/MEN/VI/2004). Overtime can only be done at most 3 hours/day and 14 hours in 1 week outside of weekly breaks or official holidays. Provisions on overtime and overtime pay are regulated in Law no.13 of 2003 on Employment article 78 paragraph (2),(4), article 85 and more fully regulated in Kepmenakertrans no.102/MEN/VI/2004 concerning Overtime Time and Wages. Calculation of Overtime Wages based on monthly wages by calculating hourly wages is $1/173$ a month's wages. Based on the provisions contained in Kepmenakertrans No. 102 / MEN / VI / 2004. Based on the results of an interview with Mr. Juprin Polane (security), that the labor overtime wages have not been given for 3 years until now, but the concerned has reported the issue of overtime pay to the company supervision (Disnakertrans), and until now the issue of overtime pay is still in the trial stage, this has also confirmed the problem to the company's side of Mr. Iwan Sujana (HRD), But he didn't want to respond to that.

With the advancement of industrialization, mechanisms, and modernization, in most rights, there is also an increase in the intensity of operational work and workplace of workers. This requires intensive labor from workers. This can cause fatigue, inattention to these things, loss of balance and others are a result of it and the cause of the accident it needs to be understood the need for proper work safety knowledge, furthermore with advanced regulations will be achieved good and realistic security which is a very important factor in providing a sense of peace, activity, and excitement to work on the workforce concerned in this case can be achieved good security. improve the quality of work, increase production and productivity of work.

While in Article 6 of Law No. 1 of 1970 described work accidents are accidents that occur in work relationships, as well as accidents that occur on the way from home to work, and return home by road or reasonable to pass.

Based on the results of an interview with Iyam Antula's mother, job safety at PT. Gorontalo Citra Lestari is by Law No. 1 of 1970 on occupational safety. Mr. Amin also added that all workers in PT. Gorontalo Citra Lestari is provided with job security tools. In the interview, Iyam's mother also confirmed that the company had registered social security for workers at PT. Gorontalo Citra Lestari, but when I had a work accident and had to be medically treated at one of the health centers in the Monano sub-district, the BPJS Labor card could not be claimed by the health center, and after being confirmed at the BPJS Employment department about the problem, the BPJS said that the Company had been in arrears for 14 months.

If employers employ workers over working time must pay for overtime, then employers must have the consent of workers and overtime can only be done at most 3 (three) hours in 1 (one) day and 14 (fourteen) hours in 1 (one) week. In addition to paying overtime, employers are obliged to give time to rest to workers. Is that time as formulated by article 79 of Law No. 13 of 2003 is that employers are obliged to give time off and leave to workers?

Based on this so that it can be understood the company or workplace needs to protect its work, especially in detailing the working time and overtime pay to the work. After the researcher researched PT. Gorontalo Citra Lestari researchers can find out that PT. Gorontalo Citra Lestari has two shifts in one day with the provision of work by one shift being twelve hours.

2. Conclusion

Legal protection for workers at PT. Gorontalo Citra Lestari has not fully run optimally, this is evidenced by the still violation of the law felt by workers. PT. Gorontalo Citra Lestari has not been granted rights to his work, because there are still workers who night through the specified deadline and are not counted overtime. There has been no overtime pay for workers who work at work time and still do not fit the time of rest and working hours provided by PT. Gorontalo Citra Lestari with Law No. 13 of 2003 on employment which should be in one week working for six working days is only required to work for seven hours in a day and get one day of rest for a week, or eight hours in a day and get two days of rest for a week instead of 12 hours worked in a day for six working days in one week. Then it should be the PT. Gorontalo Citra Lestari prioritizes the protection of workers, there is a need for protection for workers by Law No. 13 of 2003 on employment.

3. Recommendations

Preferably pt. Gorontalo Citra Lestari is more concerned with the protection of its workers by labor laws, and the protection of workers must be implemented to the maximum this creates a sense of security and comfort towards workers and does not cause things that are not desirable.

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