
LEGAL PROTECTION ON LABOUR RIGHTS IN CONNECTION WITH BANKRUPTCY AGAINST DEBTOR IN THE FORM OF LIMITED LIABILITY COMPANY

IDRIAL,

RAMLANI LINA SINAULAN
Universitas Jayabaya Jakarta Indonesia
Corr. dr.ramlanisinaulan@gmail.com

ABSTRACT:

The employment relationship between an Employer and Labor occurred based on a work agreement, because there are elements of works. Wages and order/instruction. Work relationship will terminate due to a particular reason that resulting an end of rights and obligations between labor and employer. For the termination of work relationship caused by the company/employer declared bankrupt or liquidated based on applicable regulations, the outstanding /indebted wages and other rights of the labours shall become the debt which payment must be prioritized as regulated in manpower regulation.

The issue being discussed in this thesis is: How is the existence of labour claim in a bankruptcy of a debtor in the form of Limited Liability Company, and what is the effort of legal protection on labour claim in such bankruptcy of a debtor in the form of Limited Liability Company. From the results of the research, it can be obtained a legal protection on labour right in connection with a bankruptcy being a cross-point between the Law of Manpower and Law of Bankruptcy and other Laws.

By virtue of the Decree of Council of Constitution Number 671PUU-XII2013, it is specified that the outstanding labour wages payment shall be prioritized from creditors claim (bank), labour claim on other

allowances, state claim on tax, other concurrent creditor claims

The legal protection on labour right in connection with bankruptcy will be realized according to the implementation of the Decree of Council of Constitution Number 611PUU-XI12013, being supported by the role of Curator to avoid any conflict of interests with debtor or creditors. Other alternative is that by inviting a Notary Public during a three party negotiation (Tripartit) at the Office of Manpower to be expressed in an agreement between the parties so will have an authentic proofing power.

KEYWORDS: outstanding labour, creditors claim (bank), labour claim on other allowances, state claim on tax.

INTRODUCTION:

Labor has the function and role in a business or business is an asset and the driving of a business entity to achieve its goals. The company and workers must go hand in hand, togetherness is a commitment to move, look after each other and tolerance is the beginning of progress, cooperation and team work are steps to success, so that the company continues to grow and develop with workers. When conditions are normal and the company is operating well, the interests and rights of workers can be accommodated by the company, but when the company is exposed to a crisis and/or financial problems until bankruptcy, labor rights can often not be accommodated by the company.

Law provide protection worker to obtain rights his rights as rights that take precedence. In the event that the employer is declared bankrupt or liquidated by the prevailing regulations, wages and rights - the rights of other workers is prioritized debt payments. (Mohd. Syaufii Syamsuddin, 2004). Employers can terminate the employment of workers because the company is bankrupt. In accordance with Law No. 13 of 2003, on Employment (hereinafter referred to as "the Act") workers shall be entitled to a message gon of one provision, gratuity for one provision and money substitutes an appropriate rights provisions. Regulation no further regulate clicking procedures for the settlement of rights of labor rights in the case of companies declared bankrupt. Which is the rights of labor rights is the right of the rights of others. With sake increasingly apply the provisions on the rights of workers in bankruptcy under the general rules that governed Act Civil Code (hereinafter the Civil Code) and, concerning Bankruptcy and Suspension of Debt Payment Obligations (hereinafter referred to as "Bankruptcy Law"). The Civil Code has clearly described the definition of debt, that debt is essentially an obligation arising from an engagement where there is one party entitled to the achievement (creditor) and on the other hand there is a party that is obliged to fulfill the achievement (the debtor) for a particular achievement. With the skeleton so, then the debt is the basis for bankruptcy, including debts arising outside the framework agreement to borrow to borrow money, for example, the purchase agreement, chartering agreements, lease agreements-hire, and including employment agreement . According to the Civil Code that can sue for the wealth of bankrupt debtors namely three groups of creditors, among others; separatist, preferential, concurrent creditors. (Agusmidah, 2010). Mohd Syaufi Syamsuddin also grouped them into three groups of creditors;

1. Group first creditor separatist group, this group is not affected by the bankruptcy declaration decision for execution rights can still run even though it has already happened bankruptcy debitor. (Mohd. Syaufii Syamsuddin, 2005).
2. The second category is privileged creditors (preferens), this group gained privileges determined by legislation - legislation, this creditor group has a higher position than other creditors, semata- eye based on the nature of these receivables .
3. The third group is concurrent creditors , that is, all creditors who are not part of the separatist or preference group, who get paid after the creditor of preference .

Article 1138 of the Civil Code set that rights privileged creditor's preference on certain objects would take precedence over the fulfillment of the privileges of the whole thing, whether moving or not moving in general. Based on article 1139 of the Civil Code, accounts receivable is prioritized for certain items, the right to wages of workers ranks fifth, namely in the form of work costs for accrued goods to workers. Whereas based on article 1149 of the Civil Code, accounts receivable for all movable and immovable property, workers' wages rank fourth. If the debt is subject to a Bank, beforehand right order it is subject to Article 23 of the Indonesian Government Regulation No. 68 of 1996 jo. Government Regulation No. 40, 1997 (hereinafter referred to as PP . No. 68 of 1996 jo. PP. No. 40 T ear in 1997, about the liquidation of the Bank. According to article 23 of Regulation No. 68 T ear 1996 right sequence i on the wages of workers ranked first. thus there is a change in banking sector were very fundamental a favorable labor, with the stipulation that the wages of workers who are owed as primary preferens right to waive the provisions of articles 1139 and 1149 of the Civil Code and the Law No. 19 T ear in 1997, on taxation (hereinafter referred to as U U

Taxation). Conditions for the sake of growing is not regulated in the Law on Employment, Article 95 paragraph (4) UU Manpower said, "Nature of things the company is declared bankrupt or liquidated by laws - regulations in force, wages and other rights of workers is a debt that takes precedence payment. Article 95 paragraph (4) is the precedence of payment is to be paid wages ahead of other debts.

The event of bankruptcy or the dissolution of a company will adversely affect the protection of the rights and future of the workers, so the interests of workers in a company that are declared bankrupt are related to the payment of wages and severance pay. In a general explanation of the Manpower Act it is said that, "Manpower development as an integral part of national development based on the Pancasila and the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution), is carried out in the framework of the development of Indonesian people as a whole and the development of Indonesian society entirely to increase the dignity, workforce, and self-esteem of the workforce and to create a prosperous, just, prosperous and equitable society, both material and spiritual. Employment development must be regulated in such a way that basic rights and protections for workers and laborers are fulfilled and at the same time can create conditions conducive to the development of the business world.

In UU Bankruptcy governing provisions of the debtor, including a company is said to be problematic can be inferred from the provisions of insolvency contained in Article 2 (1) UU Bankruptcy stating that, "debtors who have two or more creditors and did not pay off at least one debts that have matured and can be billed are declared bankrupt by the decision of the competent court, both at their own request and at the request of one or more of their creditors." Article 39 of the Bankruptcy Act, paragraph (1)

states that, "Workers who work for Debtors can terminate employment, and conversely the Curator can terminate it by observing the period of time according to the approval or provisions of applicable law, with the understanding that the employment relationship can be terminated with a minimum notice of 45 (four five) days in advance". In Yat (2) it is said that, "Since the date of the verdict of the bankruptcy statement pronounced, the wages owed before and after the verdict of the bankruptcy statement is pronounced is a bankruptcy debt".

Regulation of the Government of the Republic of Indonesia 78 T ear 2015 (hereinafter referred to as " PP Wages"), concerning the payment of remuneration set also on u pah in Article 37 paragraph (1) states that, "Employers who are declared bankrupt based on the verdict of bankruptcy statements by the court, then Wages and other rights of Workers/Laborers are debts that are paid in advance". In paragraph (2) it is said that, "Workers'/Workers' Wages as referred to in paragraph (1) pay their precedence in accordance with the provisions of the legislation". In paragraph (3) it is said that, "Other rights of Workers/Laborers as referred to in paragraph (1) precedence of payment after payment of creditors holders of material security rights". In original 38 it is stated that, " If a worker/laborer goes bankrupt, wages and all payments arising from the employment relationship are not included in bankruptcy unless stipulated otherwise by the judge on condition that they do not exceed 25% (twenty-five percent) of wages and all payments arising from the Work Relations that must be paid".

In implementing bankruptcy decisions the word precedence is placed after repayment of the rights of the state and the separatist creditors who refer to Book Two of Chapter XIX of the Civil Code and article 21 of Law Number 6 of 1983 concerning Tax, which is amended by Law Number 9 of 1994. Here state rights are

placed as first position rights holders, followed by separatist creditors (holders of mortgage rights, liens, fiduciaries, mortgages)

Companies that experience bankruptcy certainly have their own effects, especially the impact on workers. The effect that will be caused to the workers from the bankruptcy is that the labor rights are not given in the form of wages because the wealth of bankrupt debtors is no longer sufficient to pay labor wages. U U Manpower does not explicitly regulate laborers as creditors holding privileges as having a higher position than creditors holding liens and mortgages. This results in practice, laborers' wages are at the lowest level, meaning that other debts take precedence when the company goes bankrupt. Laws must be made according to actual legal conditions, are not contradictory and there are no terms that can lead to different interpretations. Different. Opinion in - inspired by Van Kan, that the law aims to safeguard the interests of every human being so that the interest was not to be disturbed. (Grace Vina, 2016). Court Brazilian Constitution gives different positions on wages and the rights of workers more. Wages are placed in a higher position than other rights.

Labor were laid off because the company he worked terminated bankruptcy, be entitled to a reward. The right to receive wages arises for one of the following reasons; first, when the bankruptcy verdict is made, the debtor's operations continue to operate. In such situations workers' wages are paid until the bankruptcy decision is determined. Second, when the debtor is declared bankrupt, the debtor is already in arrears on the wages of workers. Third, wages arising after the bankruptcy decision. Noting these three reasons, the Constitutional Court's decision No. 67/PUU-XI/2013 is in a position to protect workers' wages as stated in the second reason. Also does not specifically regulate the position of workers se like a preferred creditor.

However, in practice labor rights are often poorly protected in the bankruptcy process. This means that the preferred position (precedence) held by workers cannot be preceded.

Labor require legal protection from the state for the possibility of arbitrary actions of employers. A form of protection given by the government is to create which binds workers and employers, conducting coaching, as well as carrying out the process of industrial relations. Industrial relations is basically a process of fostering communication, consultation and deliberation which is supported by the ability and high commitment of all elements in the company.

Bankruptcy is a situation in which a debtor is unable to make payments on debts of his creditors. (M. Hadi Shubhan, 2015). The state of being unable to pay is usually caused by financial distress from the debtor's business that has suffered a setback, while bankruptcy is a court decision which results in general confiscation of all the assets of the bankrupt debtor, both existing and future ones. The management and settlement of bankruptcy are carried out by the curator under the supervision of a supervisory judge with the main purpose of using the proceeds of the sale of these assets to pay all debts of the bankrupt debtor proportionally (according to the prorate parte) and in accordance with the creditor structure.

In principle, limited liability companies are not personally liable in the event that a limited liability company goes bankrupt and is declared bankrupt by the court. Organs organs of the company shall not be held personally responsible for actions committed against for and on behalf of the company Refresh authority it has. This is because the actions of the company's organs are seen as the actions of a limited liability company which is an independent legal subject so that the company is responsible for the actions of the company

itself. This principle is excluded if the company organ abuses the use of a limited liability company (misbruik van rechts personen).

LITERATURE REVIEW:

1. State Theory impressions of Kranenburg:

The purpose of the country according to R. Kranenburg is to realize the welfare of the people (general welfare). In this case, the state is seen as a mere tool formed by humans to achieve common goals, prosperity, and social justice for all the people. Indonesia as an independent country has several objectives contained in the Constitution of the Unitary State of the Republic of Indonesia in 1945. In the opening of the Constitution of the Unitary State of the Republic of Indonesia states "That actually independence is the right of all peoples and therefore, colonialism above the world must be abolished because it is incompatible with humanity and justice. And the struggle for the Indonesian independence movement has arrived to a happy moment, safely escorting the Indonesian people to the front gate of the independence of an independent, united, sovereign, just and prosperous nation of Indonesia. K ata "fair" means no bias, impartiality, siding with the right, improper, ill-treatment, the treatment was not indiscriminate or favoritism rather, everyone is treated equally in accordance with their rights and obligations. In bankruptcy justice theory implies, that the provisions regarding bankruptcy can fulfill a sense of justice for the parties concerned. The theory of justice is to prevent the arbitrariness of the collectors who seek payment for each bill to a debtor with no care about other creditors. (Rahayu Hartini, 2009).

Rawls believes that justice is the main virtue of the presence of social institutions (social institutions). However, according to him, the good for all people cannot rule out or interfere with a sense of justice from everyone

who has gained a sense of justice, especially a weak society. Therefore, some people judge Rawls's perspective as a "liberal-egalitarian of social justice" perspective.

2. Potential protective laws:

Potential protective law as a separate description of the function of the law itself, which has a legal concept that gives a justice, order, certainty, usefulness and peace. The above understanding invites several experts to express their opinions regarding the understanding of legal protection including;

According to Satjipto Raharjo, defining legal protection is to provide protection to human rights that are harmed by others and the protection is given to the community so that they can enjoy all the rights granted by law. (Satjipto Raharjo, 2000) .

By Philip M. Hadjon found p potential protective hukum is the protection of the dignity of going to, and recognition of human rights that are owned by the legal subject under the provisions of the law of arbitrariness. (Philip M. Hadjon, 1987).

Meanwhile, according to Setiono, legal protection is an act or an effort to protect the public from arbitrary acts by the authorities that are not in accordance with the rule of law, to realize order and order to enable humans to enjoy their dignity as human beings. (Setiono, 2004).

As according to Muchsin, legal protection is an activity to protect individuals by harmonizing the relationship of values or rules that are manifested in attitudes and actions in creating order in the intercourse of human life. (Muchsin, 2003). Legal protection is a protection given to legal subjects in accordance with the rule of law, both those that are preventive (preventive) and in the form of repressive (coercive), both written and unwritten in the context of enforcing the rule of law.

The principle of legal protection against government actions rests and comes from the concept of the recognition and protection of human rights because according to history from the west, the birth of the concepts of the recognition and protection of human rights is directed to the limitations and placement of community obligations and government. The dominant aspect in the western concept of human rights emphasizes the existence of rights and freedoms inherent in human nature and their status as individuals, these rights are above the state and above all political organizations and are mutually exclusive so that they cannot be contested. Because of this concept, criticism is often made that the Western concept of human rights is an individualistic concept. Then with the inclusion of social and economic rights as well as cultural rights, there is a tendency to begin to erode the individualistic nature of the Western concept. The principle of legal protection in Indonesia, its foundation is the Pancasila as the ideology and philosophy of the State, with the framework of thinking of the principles of recognition and protection of human dignity and sources that originate from Pancasila.

RESEARCH METHODS:

The research method in this thesis uses a normative juridical research method which means searching for an answer about a problem. (Valerine JKL, 2005) . In addition to the normative juridical approach above, this research is also supported and supplemented by an empirical juridical approach. Research it is deskristif analytical, Soerjono Sukamto clicking that research shaped deskristif analytical aims reality of the object under study, in order to find the relationship between the two phenomena, to give an idea systematically, rule of law and the facts as implementation law. (Soerjono Sukamto, 1984). In the case of the point of contact between the bankruptcy case

and the case of industrial relations for the protection of labor rights in law which is the object of research.

In writing research the author uses qualitative data analysis that is data that cannot be calculated or expressed with numbers such as cases so the object of research must be studied in full.

RESEARCH RESULTS AND DISCUSSION:

Indonesian state can be called as well as the welfare state, this can be reflected in the Preamble of the Constitution of the Republic of Indonesia Year 1945 paragraph-four, stating that;

"Then, in order to form an Indonesian Government that protects all Indonesian people and all of Indonesia's blood and to promote public welfare, educate the nation's life and participate in carrying out world order based on independence, eternal peace and social justice, Indonesian Independence Freedom is drawn up. in the Constitution of the Republic of Indonesia, which is formed in the composition of the Republic of Indonesia, which is sovereignty of the people based on: Godhead, the just and civilized humanity, Indonesian Unity and Popularism which is led by wisdom in consultation / representation , and by realizing a social justice for all Indonesian people".

Injustice in bankruptcy cases arises when the parties concerned in bankruptcy have different interpretations of several regulations governing the same problem so that in essence a basic justice for the parties is not realized. Especially if the conflict between the interests of the parties, especially the interests of the State and workers. In particular the state tax debt argues that the tax debt is the right of the State treasury whose payment takes precedence (the right to advance the state), which will be used for the development of the country and the people of Indonesia, including to create new jobs for Indonesian workers or workers affected

by layoffs due to the company bankruptcy while laborers believe that workers also take precedence.

In his book *Guaranteed Material Security Rights* (2002), J. Satrio classifies the position of creditor rights by referring to Book Two of Chapter XIX Civil Code and Article 21 of Law No. 6 of 1983 amended by Law No. 9 of 1994. Here, state rights (taxes, litigation fees, etc.) were placed as first position rights holders, followed by separatist creditors (holders of mortgage, fiduciary, mortgages, mortgages). Whereas workers are considered as preferential creditors with general privilege because they take repayment of the proceeds from the sale of all debtors' assets in the fourth position, after preferential creditors with special privilege (unpaid goods purchases, handyman services, etc.) Finally, the position of the concurrent creditor with general guarantees, but before the UU Employment applies. Logically, when laborers work and when workers earn income (wages), employers can be suspected or deserved to be expected to have benefited from labor and if bankruptcy occurs, workers' rights must be given priority. According to the authors this can occur because is a reciprocal relationship on both sides even more so the relationship between the two begins with an agreement. However, what happens is the position of the workers in the bankruptcy case is after the separatist creditor, this clearly causes harm to workers. It is clear that in terms of productivity, workers make a significant contribution to employers.

Based on legal considerations in the decision of the Constitutional Court Number 15/PUU-VI/2008 that justice does not always mean treating everyone equally. Justice can mean treating the same things the same thing and treating different things that are different. So, it would be unfair if different things were treated the same. Based on the consideration of the Constitutional Court it can be analogous that

the position of the State in the right to advance clearly cannot be compared to the position of the workers who take precedence. The state has enormous authority but not for workers. This is clear when the State tax debt takes precedence over payments to later be used for the development of the country and the people of Indonesia, including to create new jobs for Indonesian workers (workers affected by layoffs due to companies experiencing bankruptcy) while what about the fate of workers who while waiting for results from the bankruptcy process, must be in debt to others to fulfill their daily lives. Another worrying thing is the fact that the tax appraisal has taken place by the tax apparatus, obviously this has injured the community's justice system. However, basically the purpose of law is the creation of community justice. When legal certainty is contrary to public justice, legal authority is questioned. Besides there must be legal certainty, the purpose of law is to bring about justice and order.

Existing legislation in a country generally regulates the gradation (level) position of creditors. Creditors whose grades are higher are entitled to debt fulfillment first. If there is still left over, then the payment is allocated to the creditor one level below. This payment model applies to all preferred creditors, while against concurrent creditors, the payment is subject to the principle of proportionality. Judicial practices that position labor as the preferred creditor after the creditors of the material security rights, even still under the Curriculum fee and bankruptcy costs, have caused dissatisfaction for workers. Because the bankrupt companies in general are companies that have bad economic fundamentals and assets have been used as collateral for debt. Therefore, it is almost certain that the remaining bankrupt bank loans will be used up to pay debts, especially for creditors holding material security rights. The existence of status

and status of the creditor and fiduciary rights holders if they have to deal with labor rights or tax office receivables from debtors when bankruptcy occurs against the bankrupt petitioner debtor results in industrial relations disputes for workers.

Decision of the Constitutional Court number 67/PUU-XI/2013, puts the position of payment of the wages of outstanding workers at the first level when the bankruptcy proceedings, meaning that when the bankruptcy decision has been handed down by the Commercial Court Judge, then the next task of the curator who has full authority over the debtor's bankrupt assets immediately position the wages of outstanding workers to be the first to be repaid, followed by separatist creditors and state rights and followed by concurrent creditors. The decision of the Constitutional Court will change the practice of bankruptcy, which at first the separatist creditors were the first to be paid because there was initially an agreement with the bankrupt debtor. Therefore, with the decision of the Constitutional Court, the rights of workers in the bankruptcy process are no longer threatened not to be paid, because they already have full legal certainty from the origin of the paragraph 95 paragraph (4) UU KK Labor. The decision of the Constitutional Court gives a different position on wages and other labor rights. Wages of workers owed be located on the first level in the settlement of accounts receivable creditors while other labor rights in the payment bill remains as the preferred creditor must wait repayment of creditors where separatists.

Labor are people who depend his life and his family to the company where he worked. When compared with mortgage holders and fiduciary guarantee holders or separatist creditors, it is clear that the position of workers is weaker compared to companies holding material guarantees that have more funds to live compared to laborers, and when compared

to state receivables such as taxes, of course the position of workers very weaker and more important to take precedence, because the state has more income through other company taxes not only from bankrupt company tax while laborers only have income from the company where they work, besides that when compared to the state it is very not in accordance with the state's responsibility to ensure a decent life for its citizens including laborers.

When a worker starts a work agreement, there will be rights that must be accepted by the worker, including wages or often referred to as salary, in addition to that workers will also get labor social security as contained in article 99 paragraph (1) UU Manpower which was originally known as jamsostek (labor social security) and is now called BPJS Koperasi (Managing Social Security Employment Agency) which organizes health insurance for workers and to provide protection for workers to overcome certain socioeconomic risks. The existence of the labor social security of workers will be protected by their welfare not only get protection from wages, Guarantees in the form of old age benefits, life insurance, pension insurance, work accident insurance, and health insurance are also entitled to be obtained by workers from employers.

When a company is declared bankrupt, what is usually done to its workers is Termination of Employment (FLE). If workers are laid off then based on article 165 UU laborers are entitled to receive severance pay, years of service awards and compensation fees, this is the other labor rights paid at the time the company goes bankrupt. Until now, many workers who, when experiencing layoffs, rarely get a proper severance pay in accordance with the reasons laid off. If workers are not adequately protected, then the fate of workers will be increasingly difficult which will lead to new poverty that has an impact on the welfare of the Indonesian people increasingly

disappearing and no longer in accordance with the principles of a prosperous Indonesian State.

In the practice of bankruptcy, often the right of workers to get severance pay as a result of the Termination of Employment is ignored by bankrupt debtors and curators. This can happen because of several factors, including ; the nominal value of bankruptcy assets is insufficient for payment of wages and / or severance and the position of granting rights in the form of wages and / or severance pay as preferred creditors. So that the position is under the separatist creditor. Almost all workers who were laid off could no longer work in other places because of the increasingly narrow and limited employment opportunities and also the problem of age. Therefore, the rights of workers to get wages, severance pay after termination of employment is the main capital of the workers to continue their lives and their families. Based on the foregoing, in the event of a termination due to a statement of bankruptcy against the company/employer, the portion of wages and other rights of workers such as severance pay is equally important, so both rights must be protected in the same position.

CONCLUSION:

The existence of labor bill in the form of Limited Liability bankruptcy debtor is workers who pitch debt precedence of all kinds of lenders included on the bill the secure creditor, bill other workers, the bill states rights, auction offices, and public bodies established by the government, the bill of other unsecured creditors. Other labor bills can be made after all outstanding worker wages and all separatist creditor bills are paid. After other labor bills have been paid, then state rights bills, auction offices, and public bodies established by the Government, other concurrent creditor bills.

For the legal protection of labor bills in bankruptcy debtors in the form of Limited Liability Companies is referring to the decision

of the Constitutional Court. To implement the Constitutional Court's ruling is inseparable from the role of the Curator who has integrity and must obey professional and ethical standards. This requirement aims to avoid conflicts of interest with the debtor or creditor. The point of contact between the Labor Law and the Bankruptcy Law, is not only complementary but also subject to the doctrine of the *lex specialis derogate lex generalis*, including the regulation of labor rights as creditors. Work agreements made by the parties guarantee advance payment of wages that are still in arrears in the debtor's bankruptcy if stated in an authentic deed. Work agreements made in the form of authentic deeds become the strongest and most complete evidence that have an important role in every legal relationship between workers and employers. The existence of a Notary who in his profession is an institution which, by its deeds, creates written proof instruments and has authentic characteristics as formal evidence. Notary is authorized to make the deed as long as desired by the parties or according to the rule of law must be made in the form of an authentic deed. The making of the deed is based on legal rules relating to the procedure for making a notarial deed. Work agreements made in the form of authentic deeds can answer alternative solutions for certainty, order and legal protection of labor bills in the debtor's bankruptcy as formal evidence.

REFERENCES:

Books:

- 1) Abdul Kadir Muhammad, Law and Legal Research , PT.Citra Aditya Bakti, Bandung, 2004.
- 2) Adrian Sutedi, 2009, Bankruptcy Law , Ghalia Indonesia, Bogor .
- 3) Agusmidah, Dynamics and Study of Indonesian Labor Law Theory Ghalia Idonesia, Bogor , 2010 .

- 4) A hmad Yani & Gunawan Widjaja, Bankruptcy Business Law Series , Rajawali Press, Jakarta, 1999.
- 5) Amirudin and H Zainal, Introduction to Legal Research Methods , PT. Raja Grafindo Persada, Jakarta, 2008 .
- 6) Amrah Muslimin, Some Principles and Basic Understanding of Administration and Administrative Law, Bandung , Bandung Alumni, 1985 .
- 7) Bambang Setijoprodjo, In Terms of Bankruptcy and Liquidation Laws From the Bank's Perspective . In Rudhy A. Lontoh et al (Ed.), Settlement of accounts receivable through Bankruptcy or Suspension of Debt Payment Obligations , Alumni, Bandung , 2001 .
- 8) Edy Sutrisno Sidabutar, Layoff Guidelines for Settlement , Elpress, Tangerang, 2007 .
- 9) John Rawls, Justice Theory , Yogyakarta , Student Library, 2011 .
- 10) Jonny Ibrahim, Theory and Method of Normative Research , Bayumedia, Malang, 2006 .
- 11) Jono, Bankruptcy Law , Jakarta: Sinar Grafika, 2008 , p. 133 , quoting from HFA Vollmar, Introduction to Civil Law Volume I , translated by IS Adiwirmata, Jakarta: Rajawali Press, 1983 .
- 12) Karen Lebacqz , Justice Theories , Bandung , Nusamedia, 2004 .
- 13) Kartono, Bankruptcy and Withdrawal of Payment, Pradnya Paramita, Jakarta, 1982 .
- 14) Maria Alfons, Implementation of Protection of Geographical Indications for Products of Local Communities in the Perspective of Intellectual Property Rights, Summary of Doctoral Dissertation, University of Brawijaya, Malang .
- 15) M. Hadi Shubhan, Principle Bankruptcy Law , Kencana Prenadamedia Group, Jakarta .
- 16) M. Hadi Shubhan, Bankruptcy Law Principles, Norms and Practices in the Judiciary . Kencana Prenadamedia Group, Jakarta, 2015 .
- 17) Moh. Mahfud MD, D asar and constitutional structure of Indonesia (Revised Edition) , Jakarta , Publisher Reneka Copyright 2000 .
- 18) Mohd. Syaufii Syamsuddin, Norms of Protection in Industrial Relations , Sarana Bhakti Persada, Jakarta, 2004.
- 19) Mohd. Syaufii Syamsuddin, Agreement on Industrial Relations Agreement , Sarana Bhakti Persada, Jakarta, 2005 .
- 20) Muchsin, Legal Protection and Certainty for Investors in Indonesia , Master of Law, Postgraduate Program at Sebelas Maret University , Surakarta, 2003.
- 21) Munir Fuady, Bankrupt Law in Theory and Practice, PT. Citra Ad itya Bakti, Bandung, 2010 .
- 22) Philipus M. Hadjon, Legal Protection for the People in Indonesia , PT. Bina Ilmu, Surabaya, 1987 .
- 23) Rahayu Hartini, P enyelesaian Bankruptcy Dispute in Indonesia Two lisme Authority Commercial Court , Jakarta, Kencana, 2009 .
- 24) Satjipto Raharjo, Legal Studies , Citra Aditya Bakti, Bandung , 2000 .
- 25) Setiono, Rule of Law (Law Supremacy) , Citra Aditya Bakti, Bandung, 2004 .
- 26) Soerjono Sukamto, Introduction to Legal Research , UI Pres, Jakarta, 1984 .
- 27) Sri Soedewi Masjchoen Sofwan, Civil Law: Object Law , Yogyakarta , Liberty, 2000.
- 28) Sudikno Mertokusumo, Knowing An Introduction to Law , Yogyakarta , Liberty Publisher, 1999 .
- 29) Suhandjono . Prosecutor's Function in Civil Law and State Administration as well as Public Interest Understanding in Bankruptcy. In Rudhy A. Lontoh et al (Ed.), Debt Settlement through Bankruptcy or Deferral of Debt Payment Obligations, Alumni, Bandung , 2001 .

- 30)Sutan Remy Sjahdeini, History of the Principle and Theory of Bankruptcy Law Understanding Law No. 37 of 2004 concerning Bankruptcy and Deferral of Debt Payment Obligations, Prenadam edia Group, Jakarta, 2016.
- 31)Thomas Suyatno, Bank Indonesia, Unhealthy Banks, IBRA and Bankruptcy Issues. In Rudhy A. Lontoh et al (Ed.), Debt Settlement through Bankruptcy or Deferral of Debt Payment Obligations , Alumni, Bandung, 2001.
- 32)Valerine JKL, Legal Research Methods, Literary Collection Depok: FHUI Undergraduate Program, 2005 .
- 33)YLBHI and AusAID. Guide to Legal Aid in Indonesia . Sentralisme Production , Jakarta, 2006 .
- 34)Y. Sri Pudyatmoko, Licensing, Problems and Efforts Pembena n PT. , Jakarta , Gramedia Widiarsana Indonesia, 2009 .