

Legal Protection for Workers in Situations Where the Company is Not Operational Normally Due to Criminal Acts

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ABSTRACT

Legal protection for workers in situations where the company is not operational normally due to criminal acts becomes a crucial issue when corporate assets are confiscated by the state due to Corruption and Money Laundering (TPPU). This condition creates a jurisdictional conflict because the preferred creditor mechanism in labor law (Article 95, paragraph (4) of the Labor Law) cannot be applied to assets that are under criminal confiscation status. This difference in legal regimes creates a normative vacuum (rechtsvacuum), which results in workers losing their legal position and economic rights, as reflected in the case of PT Duta Palma Group. This study uses a normative method to analyze legal accountability and formulate a mechanism to guarantee the fulfillment of workers' rights. The results of the study indicate that effective protection can only be realized through three main mechanisms: (1) a joint procedural mechanism in the form of mediation followed by arbitration to produce a final and binding determination of the amount of workers' rights; (2) an administrative mechanism through the Attorney General's Office policy (Perja), which requires the recognition and provision of funds based on the results of arbitration decisions; and (3) legislative mechanisms in the form of cross-sectoral legal reconstruction to clarify the priority of paying workers' rights over state-seized assets. This approach functions as an instrument of efficiency, the realization of restorative, corrective, and rehabilitative justice, and guarantees legal certainty and the protection of workers' human rights.

KEYWORDS Legal Protection; Asset Confiscation; Workers' Rights



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INTRODUCTION

Legal protection for workers is one of the fundamental pillars in Indonesia's employment system, grounded in the 1945 Constitution of the Republic of Indonesia. Article 27 paragraph (2) emphasizes that every citizen has the right to work and to a decent living for humanity, while Article 28D paragraph (2) stresses the right of every person to work and receive fair compensation and treatment in employment relations (Mandari et al., 2025). These provisions form the philosophical and legal basis for more detailed regulations, such as Law Number 13 of 2003 concerning Manpower, which governs workers' rights including the right to receive wages according to applicable standards, occupational safety and health protection, protection from termination of employment, the right to strike, and other related rights (Ath Thooriq, 2023). Furthermore, Law Number 21 of 2000 concerning Trade Unions affirms the state's role in guaranteeing freedom of association, preventing discrimination, and improving the welfare of workers and their families (Harhary, 2021). Generally, this legal framework is considered adequate under normal circumstances, such as layoffs or corporate bankruptcy (Casey, 2020).

However, when a company faces extraordinary situations—such as asset confiscation by the state due to criminal offenses—workers become structurally vulnerable. This vulnerability arises because the existing labor legal framework lacks specific mechanisms to guarantee the continuity of workers' rights in such exceptional circumstances. According to Satjipto Rahardjo (as cited in Na'im & Muhibbin, 2022), legal protection is a form of safeguarding

human rights violated by others, aiming to ensure that the public can continue enjoying legally guaranteed rights. This idea is reinforced by Philipus M. Hadjon, who highlights the government's role through two types of legal protection: preventive measures to avoid problems and repressive measures to resolve existing problems (Almaida & Imanullah, 2021).

These perspectives show that legal protection should extend beyond normative provisions into concrete actions, especially when workers' rights are at risk due to asset confiscation. This complexity is illustrated by the case of PT Duta Palma Group, whose owner, Surya Darmadi, was implicated in corruption and money laundering through the corporate entity. The corporation was used to gain illegal profits by opening and managing oil palm plantations without permits for forest area release or business use rights (HGU), while ignoring the obligation to allocate 20 percent of partnership land to the local community. Adrial Akbar (2022) states this practice violates administrative regulations and causes serious economic harm: the state loses up to IDR 104.1 trillion, and local communities lose access and benefit rights to the land. Since 2022, the Attorney General's Office has extensively confiscated company assets, including in Indragiri Hulu Regency, Riau. Although intended to recover state losses, these confiscations have paralyzed company operations and left thousands of workers uncertain about their normative rights (Putra, 2025). Even after the state appointed PT Agrinas Palma Nusantara (a state-owned enterprise) as asset manager, the legal status of workers' rights remains unclear (Octavia & Prabowo, 2025).

In Indonesia's labor law system, workers are prioritized. Article 95 paragraph (4) of the Manpower Law defines workers as preferred creditors (Nurdianisa et al., 2024). This status was reinforced by Constitutional Court Decision Number 67/PUU-XI/2013, which affirms that workers' unpaid wages take precedence over all creditors, including separatist and state claimants (Ramadhani, 2021). However, in practice, this provision faces dilemmas when company assets are confiscated by the state in criminal cases. Confiscation aims to recover state losses but often disregards that thousands of workers depend on these wages for basic family needs. Thus, the state confronts a difficult balance between enforcing the law and protecting workers' rights.

Conventional legal mechanisms like bankruptcy or Suspension of Debt Payment Obligations (PKPU) cannot apply because company assets are under state control rather than bankruptcy. This scenario conflicts with the principles of the Indonesian constitutional state, characterized by law-based governance and protection of citizens' constitutional rights (Dananjaya & Kazuhiko, 2020). Under this principle, the state should not adopt policies that erode citizens' constitutional rights, including workers' rights. However, in cases of asset confiscation due to criminal acts, workers face legal uncertainty: they cannot claim rights from the original company whose assets were seized, while new management has no obligation to settle prior debts.

Aligned with the rule of law, Indonesia is mandated to protect human rights as per Law Number 39 of 1999 on Human Rights (Siregar, 2023). Workers' rights constitute inherent human rights, particularly the right to employment and a decent living. When workers' rights are unfulfilled due to state asset confiscation, the issue transcends industrial relations, potentially becoming a human rights violation. Therefore, clearer legal mechanisms must guarantee constitutional protection and workers' rights even when the state exercises criminal law enforcement authority.

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Literature has explored legal protection for workers mainly in corporate insolvency. Mandari, Widodo, and Hamdani (2025) stress the urgency of protecting workers' wage policies as a constitutional guarantee. Ramadhani (2021) 14563erogate conflicts between separatist creditors and workers' wage rights in bankruptcy law, with Constitutional Court Decision No. 67/PUU-XI/2013 affirming workers' preferred creditor status. Ath Thooriq (2023) highlights human rights protections for contract workers per labor law. Studies on corporate asset confiscation due to criminal acts focus mainly on state loss recovery: Putri and Prawati (2025) examine asset seizures in corruption cases, while Pratama and Januarsyah (2020) discuss corporate criminal liability underpinning such confiscations.

Despite these studies, a significant gap exists at the intersection of these two regimes. Labor law research tends to focus on bankruptcy preference mechanisms, whereas criminal law research centers on asset recovery. The intersection—where assets are seized by the state due to criminal acts outside bankruptcy—creates a normative vacuum (*rechtsvacuum*) that remains unexplored. This research gap concerns the lack of systematic analysis on legal accountability for workers' normative rights and operative mechanisms when companies are not operating normally due to state-controlled assets, exemplified by PT Duta Palma Group.

This research's novelty lies in its integrative, cross-sectoral approach addressing this normative gap. Unlike prior studies treating bankruptcy and confiscation separately, it examines the jurisdictional conflict between labor law (preferred creditor principle) and criminal law (*lex specialis* confiscation). The analysis leverages corporate strict liability and state risk theories to assess asset confiscation's impact on workers' constitutional rights. Thus, it converts what appears as a clash between state interests and workers' rights into a systemic failure of coordination and harmonization between Indonesia's legal regimes.

The primary aim is to analyze legal accountability construction regarding workers' normative rights amid state confiscation outside bankruptcy. More specifically, it critiques procedural weaknesses in the positive legal system, which neglect workers' preferred creditor rights. It also proposes effective, operational legal mechanisms to guarantee workers' rights 14563erogate14563t despite state control of company assets for evidence or loss recovery.

The14563erogateh offers both theoretical and practical benefits. Theoretically, it enriches legal science across labor, criminal, and administrative law by providing a novel conceptual framework on state and corporate accountability for protecting workers' rights in extraordinary cases. Practically, its findings inform policymakers—parliament, government, and the Attorney General's Office—in revising laws and internal policies (Perja) more sensitive to worker protection. Ultimately, it seeks to promote legal certainty and substantive justice for workers, the most vulnerable stakeholders in corporate criminal law enforcement.

METHOD

This legal research used a normative method, focusing on the study of positive legal norms to systematically interpret and construct legal provisions (Soekanto, 1985, in Kheista & Adam, 2023). This method was chosen because the research problem concerned the construction of legal accountability for workers' rights and the mechanisms for fulfilling those rights during the confiscation of company assets due to criminal acts. As a normative legal study, this research did not involve empirical subjects or primary data collection from human participants. Instead, it relied entirely on documentary analysis and legal interpretation.

The analysis employed three main approaches. First, a conceptual approach that outlined legal principles such as workers' status as preferred creditors and the principle of guarantees to ensure their protection, providing a theoretical framework to assess conflicts between worker protection and repressive state authority. Second, a statutory approach examined relevant laws, including Law Number 13 of 2003 concerning Manpower; Law Number 6 of 2023 concerning the Stipulation of Government Regulation in lieu of Law Number 2 of 2022 concerning Job Creation; Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 on Corruption; Law Number 8 of 2010 on Money Laundering; the Criminal Procedure Code (KUHAP); Law Number 39 of 1999 on Human Rights; Law Number 11 of 2021 amending the Attorney General's Law; Law Number 37 of 2004 on Bankruptcy; and Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes.

This approach was used to examine synchronization, discord, and normative gaps between labor, criminal, and procedural law, particularly regarding the protection of workers' rights when company assets were confiscated by the state. Third, a case analysis approach focused on the PT Duta Palma Group as a concrete example of legal uncertainty in practice. This case served solely as factual context to illustrate legal principles and did not involve direct interaction with the parties involved. Data collection was conducted through library research, including primary sources such as laws and official documents related to asset confiscation, as well as secondary sources like legal literature, scientific journals, and expert opinions.

RESULT AND DISCUSSION

Legal Responsibility for Workers' Normative Rights When Company Assets Are Confiscated by the State Due to Criminal Acts

Legal accountability is a crucial foundation in the modern legal system because it ensures that any violation of legal norms has definite consequences and must be borne by legal subjects, both individuals and corporations. In the context of Indonesian positive law, Ridwan H.R. (2006) distinguishes between liability as a legal responsibility regulated in the legal system (responsibility for unlawful acts, including elements of fault, loss, causality, and the implementation of sanctions), and broader responsibility, encompassing moral, ethical, and social responsibilities that can exist even though they do not always result in formal legal consequences. In the corporate realm, liability becomes crucial as the role of companies as legal subjects grows. Laksono and Prasetyo (2021) show that the principle of strict liability has been used in forest and land fire cases to enforce corporate responsibility without requiring proof of fault. Furthermore, Fahriati et al. (2021) emphasized that corporations can be held accountable for environmental pollution under Law Number 32 of 2009. However, Melani and Agustini (2021) outlined that the Indonesian legal system still needs to strengthen its legal instruments, particularly because the Criminal Code (KUHP) does not fully accommodate non-human entities as criminal perpetrators. Therefore, legal accountability in the Indonesian system functions not only as a punishment mechanism but also as a means of maintaining social balance and strengthening the moral responsibility of every legal subject, including corporations, to behave in accordance with legal norms and societal ethics. This understanding paves the way for classifying forms of legal accountability, which serves as an important basis for assessing corporate actions.

The basis for corporate 14565erogatel liability is established through several theories that explain the attribution of fault from individual perpetrators to legal entities. First, identification theory recognizes that actions taken by certain members at the managerial level or representing the will of the corporation are considered acts of the corporation itself. Second, there is the theory of vicarious liability, which states that corporate criminal liability can be imposed for criminal acts committed by its agents or employees as long as they are within the scope of their employment. Third, and most relevant to specific crimes such as corruption, is the theory of strict liability. This theory of strict liability is liability without fault, where the perpetrator of a criminal act can be punished solely based on proof of an act prohibited by law, without the need for further proof of the perpetrator's mental attitude (intent or negligence). The application of strict liability in corporate cases is the basis for the state to carry out swift and aggressive asset seizures, which ultimately directly conflict with workers' rights claims (Hutapea, as cited in Pratama & Januarsyah, 2020).

The doctrine of strict liability subsequently developed in various jurisdictions, both common law and civil law, as an adaptation to the complexity of corporate crime. Violations of certain obligations or conditions by corporations are known as strict liability offenses. In the view of Prof. Barda Nawawi Arief, this doctrine is relevant for prosecuting corporations that violate legal provisions, such as operating without a permit, violating business permit requirements, or neglecting insurance obligations, without having to prove individual fault (Rodliyah et al., 2020). This position is based on the recognition of corporations as legal persons, so that actions taken in the interests of the corporation can be directly linked to the entity's liability.

In Indonesian legal practice, strict liability means that a corporation can be held accountable for a crime without the need to prove any element of fault (*mens rea*). In other words, if a corporation commits a prohibited act, sanctions or punishment can be imposed immediately without considering the malicious intent or negligence of the corporation's management or members. This legal principle regarding strict liability is emphasized in the Supreme Court's Judicial Review Decision Number 297 PK/Pdt/2024 (PT Kumai Sentosa Case), which states that strict liability is applied without assessing subjective fault, simply by the existence of losses incurred and a causal relationship between the act and its consequences. Although this principle is often applied in the civil and environmental realms, it also serves as an important foundation for corporate criminal liability in Corruption and Money Laundering (TPPU) cases, because both essentially target losses incurred by corporate entities (Siltor, 2025).

As an illustration of the application of this principle of corporate liability, Supreme Court decisions often emphasize that civil liability (e.g., compensation) can still be imposed even if a criminal verdict acquits the corporation. This is because the nature of corporate business activities poses significant risks to the environment and society, thus absolute liability remains. In the case of the Duta Palma Group, this principle of absolute liability, which focuses on the losses and risks incurred, became the legal basis for the state to carry out massive asset seizures. This seizure is based on the Criminal Act of Corruption (Tipikor) as stipulated in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001, which is a predicate crime of illegal asset acquisition. This authority for massive seizure was then strengthened by the Criminal Act of Money Laundering (TPPU), which is regulated in Law Number 8 of 2010, providing legal

instruments to track, freeze, and confiscate the proceeds of these crimes. These two legal bases confirm that corporate assets must bear the consequences of these crimes. Therefore, corporate liability towards the state becomes a priority, which directly leads to the issue of workers' rights conflicts when the assets are confiscated.

In relation to the confiscation of corporate assets due to criminal acts, this theoretical framework demonstrates the existence of two layers of legal obligations. On the one hand, the corporation remains responsible for its criminal acts (criminal liability). However, on the other hand, civil liability towards workers remains attached as a parallel obligation. Workers' rights cannot be removed simply because a corporation commits a crime. Satjipto Rahardjo even emphasized that the law must be understood as a safeguard that protects the human rights of vulnerable groups in society, including workers who are often collateral victims of corporate crime (Na'im & Muhibbin, 2022). In other words, criminal law enforcement must not sacrifice workers' rights, but must maintain a balance between the public interest and the protection of individual rights.

When analyzing state liability in asset confiscation, it is necessary to consider the theoretical framework of state responsibility in international law. Generally, there are two main approaches. First, Fault Theory, which requires proof of state fault or negligence. Second, Risk Theory, which places the state absolutely responsible for losses arising from its actions, even if those actions are legitimate (Papilaya et al., 2021). With regard to corporate asset confiscation, Risk Theory is the most relevant framework. This theory allows a state to be held accountable if the legally valid asset confiscation actually results in foreseeable harm to a third party, such as the loss of workers' access to wages. This principle asserts that state responsibility for workers' losses arises automatically because the state's repressive actions themselves have created the risk.

A similar accountability framework is also reflected in the national legal system. In the Indonesian state system, guarantees of workers' rights have received constitutional recognition. As stated in Article 27, Article 28D paragraph (2), and Article 28E paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is emphasized that everyone has the right to receive fair and appropriate treatment and remuneration at work (Damanik & Andriyani, 2024). Thus, fulfilling workers' rights is a constitutional mandate that must be upheld by all national legal instruments.

This obligation is further detailed in Law Number 13 of 2003 concerning Manpower, specifically Article 95 paragraph (4), which expressly states that payment of workers' wages must be prioritized over all forms of company debt. This provision emphasizes that even when a company faces a crisis, fulfilling workers' rights remains a non-negotiable obligation. This protection aims to ensure the fulfillment of basic workers' rights, create fair agreements, and guarantee equal treatment without discrimination, in line with developments in the business world (Ramadhani, 2021). This principle is also reinforced by the validity of employment agreements as stipulated in Article 52 of the Manpower Law in conjunction with Article 1320 of the Civil Code. A valid employment agreement meets civil law requirements, creating a firmly binding contractual obligation on the company to fulfill workers' rights. This entire legal framework firmly positions workers' rights as claims that must take priority over other civil claims.

As a complement to these normative protections, the bankruptcy legal regime stipulates that in the context of bankruptcy, Law Number 37 of 2004 concerning Bankruptcy places workers as preferred creditors (*droit de preference*), so their normative rights must take precedence over other creditors. This position has been reinforced by Constitutional Court Decision Number 67/PUU-XI/2013, which stipulates that workers may not be exploited by corporate interests or other creditors (Ramadhani, 2021). In principle, this legal framework affirms that Indonesian law recognizes workers as parties who deserve additional protection.

Contradictions arise when entering the criminal law regime. In this context, the construction of protection for good-faith third parties is significantly weakened. Although provisions in the Criminal Procedure Code (KUHAP) regulate confiscation procedures, they focus only on evidentiary interests (Article 1 number 16 of the KUHAP) and do not provide adequate procedural mechanisms for verifying and fulfilling the rights of good-faith third parties, such as workers, in the context of executing assets seized to recover state losses. This criminal procedure law fails to bridge the principle of protecting workers' rights with state interests. This conflict is exacerbated by the enactment of Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 concerning Corruption and Law Number 8 of 2010 concerning Money Laundering. Both of these legal instruments specifically focus on recovering state losses (asset recovery) through aggressive asset confiscation and seizure mechanisms, without regard for the impact on workers (Putri & Prawati, 2025). As a result, there is a clear imbalance between public and private interests.

This weakness is further clarified when Supreme Court Regulation (PERMA) Number 13 of 2016 concerning Procedures for Handling Corporate Crimes only regulates the procedure for imposing criminal penalties but does not provide a mechanism for prioritizing compensation for workers. Although Article 20 of PERMA allows for restitution or compensation, this provision fails to bridge jurisdictional conflicts. Fundamentally, this PERMA does not include the rights of workers as preferred creditors among the victims who must be prioritized. Article 21 of PERMA Number 13 of 2016, which regulates asset confiscation, is guided solely by the Criminal Procedure Code. This means that PERMA does not provide priority obligations for workers' rights as preferred creditors. Similarly, Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation as Law also does not include a clause protecting workers whose company assets are confiscated due to criminal acts. As a result, workers often lose their rights when company assets are confiscated by the state as evidence or to recover state financial losses.

This situation creates a normative vacuum. On the one hand, labor and bankruptcy laws prioritize workers. On the other hand, criminal law ignores workers' rights when company assets are seized. This disharmony between regulations creates normative conflict: criminal *lex specialis* often overrides labor *lex generalis*, even though both are hierarchically subject to constitutional principles.

The case of PT Duta Palma Group provides a clear illustration of the imbalance between criminal law enforcement and the protection of workers' rights. Deductively, the main issue in this case is a clash of two interests: first, the state's attempt to recover losses through the seizure of corporate assets; second, workers' loss of normative rights due to the company's operational crippling.

In the Public Prosecutor's indictment, seven corporations under Duta Palma were charged with corruption and money laundering, resulting in state financial losses of IDR 4.9 trillion and economic losses of IDR 99.2 trillion (Akbar, 2025). The core violations lay in the management of oil palm plantations in forest areas without valid release permits. Despite a regularization scheme under Articles 110A and 110B of the Job Creation Law, the administrative process for legalizing the land was stalled due to confiscation and criminal prosecution (Nastitie, 2025). As a result, the companies' status remained ambiguous, suspended between legality and illegality, directly creating legal uncertainty for their continued operations.

The confiscation of the companies' productive assets, which served as evidence, resulted in a complete halt to business operations. Previously active corporations became empty shells; legally viable but materially incapable of fulfilling their obligations. Consequently, thousands of workers lost their livelihoods, and their normative rights, such as wages and severance pay, were denied. This indicates that the asset recovery process places more emphasis on state interests than on protecting workers as third parties with good intentions.

When analyzed conceptually and normatively, this situation creates structural injustice. In civil bankruptcy law, workers are positioned as preferred creditors whose rights must be prioritized (Article 95 paragraph (4) of the Manpower Law in conjunction with Constitutional Court Decision No. 67/PUU-XI/2013) (Ramadhani, 2021). However, in the practice of criminal confiscation, there is no similar mechanism to ensure workers' rights are protected. As a result, workers become double victims: first, victims of corporate crime; second, victims of state confiscation policies that ignore their rights.

The Duta Palma case demonstrates that without a clear protection mechanism, criminal law enforcement can create new, foreseeable harm for workers. In other words, the state, which should be present as a protector, is potentially violating its constitutional mandate to guarantee the right to work and a decent living. This situation emphasizes that asset confiscation cannot be viewed solely as a procedural measure under criminal law, but must be analyzed comprehensively in relation to workers' constitutional rights.

Referring to the basic principles of contract law, the employer's responsibility for workers' rights remains firmly attached and cannot be removed unilaterally, because it is based on the principle of *pacta sunt servanda* as stated in Article 1338 paragraph (1) of the Civil Code (KUH Perdata) and Article 52 of the Manpower Law. This principle emphasizes that employment agreements remain binding and must be implemented in good faith, as long as the agreement is not canceled by law. Therefore, the condition of a company that is not operating normally, including conditions under sanctions or confiscation of assets, does not automatically remove the employer's obligation to fulfill workers' rights. This obligation can only be removed or suspended if there is a force majeure condition that meets the legal elements and is legally agreed upon in the employment agreement. In the absence of a valid agreement regarding such exceptions, the employer's obligation to workers' rights remains fully valid and must be maintained, even when the company faces the most severe legal crisis.

However, when this principle is confronted with the reality of asset confiscation, workers who are denied their rights face legal uncertainty. Although employers still bear obligations (contractual responsibilities), the pursuit of these rights is de facto hampered because the company loses the economic capacity to realize these obligations, thus creating an "empty" Legal Protection for Workers in Situations Where the Company is Not Operational Normally Due to Criminal Acts

responsibility for workers. This normative vacuum (rechtsvacuum) confirms that the current construction of legal responsibility is inadequate because it fails to bridge the normative obligations of employers with the reality of state asset confiscation. Therefore, this problem cannot be resolved simply by affirming old legal principles, but rather demands the existence of a new legal mechanism capable of quickly establishing workers' rights and guaranteeing their fulfillment from confiscated assets.

Legal Mechanisms That Can Guarantee the Fulfillment of Workers' Rights

The formulation of mechanisms for fulfilling workers' rights must be based on two main principles: the protective function of labor law and integrative justice. The protective function principle emphasizes that labor law not only regulates formal employment relations but also provides greater protection to workers. This is based on the fact that in employment relations, workers are considered the weaker party compared to employers who have control over capital, means of production, and managerial decisions (Barancová, 2020). Meanwhile, the principle of integrative justice requires that dispute resolution not only fulfill the state's formal interest in recovering assets but also integrate the interests of workers as direct victims of the cessation of business activity. As emphasized in philosophical studies of labor law, integrative justice demands a balance between the distribution of rights, fair treatment, and redress in the event of violations, so that employment relations can be more humane and just (Setiawan et al., 2025). Based on this foundation, the mechanisms designed must not be merely procedural but must be oriented towards the survival of workers.

Law enforcement in labor disputes should not focus solely on punishment or simply recovering state losses (asset recovery). This principle requires three types of justice to be implemented in an integrated manner. First, rehabilitative justice, which requires the state to restore the rights of workers as the most vulnerable parties. Second, restorative justice, which encourages the resolution of disputes quickly, effectively, and through deliberation. Third, corrective justice, which requires the state to address existing regulatory gaps, particularly the failure of the criminal legal system to recognize workers' rights as preferred creditors when seizing assets. To realize these three goals of justice, clear, enforceable, and interconnected legal regulations are needed. In the domestic context, the framework for resolving labor disputes is specifically regulated by Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPI Law), which prioritizes resolving disputes outside the courts.

The resolution of industrial relations disputes in Indonesia is formally regulated through Law Number 2 of 2004 concerning the Industrial Relations Asset Recovery Center (PPI) and is supported by the spirit of efficiency in labor provisions of Law Number 6 of 2023 concerning Job Creation. These two regulations establish non-litigation channels as the foundation for dispute resolution, in line with the principles of restorative justice (deliberation and consensus) and rehabilitative justice (restoration of employment relations). This paradigm ideally aims to minimize losses, expedite resolution, and provide legal certainty. However, this spirit of efficiency is completely paralyzed when faced with extraordinary situations, such as the seizure of company assets by the state due to criminal acts. In this context, systemic weaknesses arise because the legal entity controlling the assets, namely the Attorney General's Office through the Asset Recovery Center (PPA), is not subject to the PPI Law. The Attorney General's

Office acts as a criminal executor focused on asset recovery, not on fulfilling workers' civil rights. Consequently, peaceful resolution efforts are ineffective because the authority of the asset holder is outside the jurisdiction of labor law. This demonstrates a systemic failure to protect workers as "double victims", namely losing their jobs and their economic rights.

Although Law Number 6 of 2023 concerning Job Creation introduced Job Loss Insurance (JKP) as a new social protection instrument, this mechanism cannot be positioned as the primary solution to guarantee the fulfillment of workers' rights in cases of confiscation of company assets. Normatively, JKP functions as a social safety net that provides temporary assistance in the form of cash, job training, and access to employment information. However, JKP does not address the substance of the legal relationship between workers and employers because it lacks enforcement power over the company's financial obligations, such as payment of wages, severance pay, or other compensation. Therefore, JKP is only compensatory and preventive, not corrective, against violations of workers' rights. In the context of asset confiscation by the state, the main problem lies in the absence of a legal mechanism that can compel asset managers, such as the Prosecutor's Office or the Asset Recovery Center (PPA), to distribute workers' rights from the proceeds of the confiscated assets. Therefore, although JKP has protective value for workers, this instrument is unable to address the structural problem of a lack of coordination between the labor law regime and the criminal law regime. As a result, workers still lose their substantive rights.

As part of a gradual and tiered industrial relations resolution system, the Industrial Relations Court (PPI) Law regulates four main non-litigation mechanisms before a dispute can be submitted to the Industrial Relations Court (PPI). These four mechanisms include bipartite negotiation, mediation, conciliation, and arbitration. These stages reflect the dispute resolution philosophy that prioritizes dialogue and consensus as the initial steps to maintaining harmonious industrial relations.

1) Bipartite Negotiations

Based on Article 3 of the PPI Law, every industrial relations dispute must first be resolved through bipartite negotiations between workers/trade unions and employers through deliberation and consensus within a maximum period of 30 working days. If no agreement is reached or one party refuses to negotiate, the bipartite negotiations are declared failed and minutes are prepared as a basis for proceeding to the next stage. However, in cases of disputes related to the control of assets by the Prosecutor's Office or the PPA (Asset Recovery Center), the bipartite mechanism becomes ineffective because these parties are not subjects of the employment relationship, so the process often ends in a deadlock.

2) Industrial Relations Mediation

Articles 8–16 of the Industrial Relations and Trade Reconciliation Law stipulate that if bipartite mediation fails, disputes can be resolved through mediation by a neutral mediator from the labor agency. The mediator has 30 working days to provide a written recommendation. This recommendation is not legally binding, but has moral and administrative force as it is a prerequisite for submitting a case to the Industrial Relations and Trade Reconciliation Court. In the context of state asset control, the mediator can recommend that the asset management agency consider workers' rights.

However, the Attorney General's Office or the Industrial Relations and Trade Legal Protection for Workers in Situations Where the Company is Not Operational Normally Due to Criminal Acts

Reconciliation Office are not bound by this recommendation as they are not parties to the employment relationship.

3) Industrial Relations Conciliation

Conciliation, as stipulated in Article 1 number 13 and Articles 17–28 of the Industrial Relations and Employment Law (PPI), is the resolution of disputes by an independent conciliator appointed by the Minister of Manpower. This mechanism is commonly applied in disputes over rights or termination of employment. If the conciliator's recommendation is accepted, a collective agreement is drawn up and registered with the Industrial Relations Court (PPI) to obtain permanent legal force. However, if the object of the dispute is confiscated state property, the agreement cannot be enforced because the property has been transferred to state control.

4) Industrial Relations Arbitration

Industrial relations arbitration (Articles 29–54 of the Industrial Relations Law) is pursued based on a written agreement between the parties to submit the dispute to an independent arbitrator. The arbitration decision is final and binding. Although it provides swift legal certainty, the arbitration decision cannot be enforced against the state because the Prosecutor's Office is not a party to the arbitration agreement.

Thus, the entire non-litigation mechanism in the Industrial Relations Law (PPI) is effective only for civil employment relations, not when assets have been seized by the state due to a criminal act, creating a legal vacuum in the protection of workers' rights.

Industrial relations dispute resolution in Indonesia enters the litigation stage as the *ultimum remedium* if all non-litigation efforts fail. Under Article 55 of the PPI Law, disputes are submitted to the Industrial Relations Court (PPI), which is within the District Court. The PPI has absolute jurisdiction over four types of disputes, with rights disputes being the most relevant in the context of asset confiscation, as they involve the non-fulfillment of workers' normative rights (Article 1 number 2 of the PPI Law). This litigation process aims to provide a formal legal basis, but its effectiveness is often limited. Although Article 95 paragraph (') of the Manpower Law and Constitutional Court Decision No. 67/PUU XI/2013 have affirmed that workers' rights have preferential claim status, in practice, this principle cannot be enforced once assets have been transferred to state ownership. The state, through the Prosecutor's Office, will adhere to the principle of special law overriding general law (*lex specialis 14571erogate legi generali*), claiming that the execution of criminal assets is subject to the Criminal Procedure Code and the Attorney General's Regulations, not the PPI Law. Thus, while litigation provides normative certainty, it fails to deliver substantive justice because workers' rights remain unfulfilled in fact. Nevertheless, the Industrial Relations Court's ruling remains important. It serves as a formal legal verification instrument, providing valid and final proof of workers' rights. This ruling can serve as a strong administrative basis for the state to consider allocating proceeds from the auction of seized assets to workers, thus ensuring that the Industrial Relations Court maintains its corrective value in addressing the legal gaps that hamper worker protection.

Structural weaknesses in the Indonesian legal system, particularly the disconnect between Industrial Relations Court (PPI) decisions and the execution of criminal assets, indicate a serious legal vacuum. Legislative reform is urgently needed to realize corrective justice, namely repairing the systemic damage caused by disharmony between regulations.

Such reform should not be limited to technical amendments, but must be structural and coordinated across legal regimes. Currently, the PPHI Law operates within the realm of labor law, while the Attorney General's Office acts based on the Criminal Procedure Code (KUHAP) and Attorney General Regulation No. 16 of 2011 concerning Asset Recovery. The two systems operate in parallel without any interconnected mechanism. As a result, the state potentially violates the principle of non-derogable rights to decent work and a decent living (Article 27 paragraph (2) of the 1945 Constitution), by failing to guarantee the rights of workers who lose income due to the confiscation of corporate assets. Therefore, it is necessary to establish a cross-regime mechanism that explicitly requires the Attorney General's Office to consider and implement decisions of industrial relations settlement institutions before channeling the proceeds of asset execution to the state treasury. This step is a concrete form of both corrective justice and integrative justice.

In response to the normative vacuum and jurisdictional conflicts arising from the disconnect between the labor law system and criminal law, a systemic, coordinated, and cross-regime legal reconstruction is needed that is oriented toward protecting workers' rights. This reconstruction cannot be achieved solely through formal changes to the law but must be realized through three integrated aspects of reform: procedural, administrative, and legislative. Procedurally, the reform is directed at adopting a process that integrates mediation and arbitration in resolving industrial relations. This combined model serves to align the flexibility of deliberation with the legal certainty of arbitration decisions, resulting in rapid legal verification as an administrative basis for the Attorney General's Office in allocating seized assets. Administratively, it is necessary to issue an Attorney General's Regulation (Perja) or an internal Attorney General's Office policy that explicitly requires the allocation of a portion of the proceeds from asset execution to fulfill workers' rights. This step emphasizes the state's responsibility in carrying out its corrective function. Legislatively, changes to legal norms in the Corruption Eradication Law, the Money Laundering Law, and the Income Tax Law are required to emphasize the priority of payment of workers' rights before assets are deposited into the state treasury. Through the integration of these three aspects, legal reconstruction functions to harmonize legal regimes, while ensuring the fulfillment of substantive justice for workers.

The combined dispute resolution model, which integrates mediation and arbitration, is a procedural innovation that unites the two dispute resolution approaches into a single, continuous process. This mechanism establishes mediation as the initial collaborative stage, which then moves to arbitration as the next stage to issue a final and binding decision if an amicable agreement cannot be reached. By combining the flexibility of mediation deliberations with the legal certainty of arbitration decisions, this combined process inherently increases efficiency in terms of time, costs, and resource use. As explained by Mantili (2021), this model is not a new idea, but rather a refinement of the mechanisms stipulated in Law Number 2 of 2004 concerning PPHI, namely integrating mediation and arbitration into a single, continuous system. The main advantages of integrating mediation and arbitration lie in three crucial aspects: first, efficiency, as it saves time and costs by eliminating the need to initiate new legal proceedings after mediation fails; second, legal certainty, as it provides certainty through a final and binding arbitration decision; and third, legal certainty, as it provides certainty through a final and binding arbitration decision. and third, the affirmation of the principle because it Legal Protection for Workers in Situations Where the Company is Not Operational Normally Due to Criminal Acts

affirms the principle of agreement binding the parties, which guarantees respect for the results of the process because they have been mutually agreed upon.

The existence of this model is also strengthened by key international legal instruments, namely the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which ensures that arbitral awards are recognized and enforceable across borders, and the 2019 Singapore Convention on International Settlement Agreements Resulting from Mediation. The explicit recognition of Alternative Dispute Resolution (ADR) by both conventions as a valid and effective legal instrument at the global level demonstrates that the application of this model in Indonesia, particularly in the context of resolving industrial relations disputes resulting from asset confiscation, is a form of progressive legal reconstruction in line with modern practices (Lim, 2025). Through this strengthened mechanism, workers obtain more concrete normative protection, while the state can still carry out its function of recovering losses from corporate crimes efficiently.

The dispute resolution model that combines mediation and arbitration has become an established practice in various global jurisdictions, particularly in countries that prioritize efficiency and legal certainty in resolving business disputes. In Singapore, for example, the Singapore International Arbitration Centre (SIAC) has implemented a Mediation and Arbitration Protocol that allows mediation proceedings to proceed directly to arbitration without the need to initiate a new process. This protocol emphasizes the principle of procedural efficiency while maintaining the integrity of the legal process by requiring the parties' explicit consent before transitioning to the process (Lim, 2025).

In China, mechanisms that combine mediation and arbitration are deeply rooted in local social values and legal culture. The Confucian tradition, which emphasizes harmony (He Wei Gui) and peaceful resolution, has long rejected the confrontational approach of litigation. In practice, People's Mediation Committees collaborate with Arbitration Commissions to resolve industrial disputes expeditiously and inexpensively, with binding outcomes if agreed by the parties. This integration is formally institutionalized through the China International Economic and Trade Arbitration Commission (CIETAC), which authorizes arbitrators to offer mediation during the arbitration process. If mediation is successful, the agreement is formalized in a consent award, which has the same legal force as an arbitration award. This approach has proven effective in reducing costs, expediting case resolution, and maintaining professional relationships between the parties. Nevertheless, China still applies the precautionary principle to prevent conflicts of interest, for example by requiring written consent from the parties before the combined mediation and arbitration process begins (Kaufmann-Kohler & Kun, 2008).

International practice demonstrates that mechanisms integrating mediation and arbitration are not only economically efficient but also reflect the principle of integrative justice, a justice that combines restorative dialogue with final legal certainty. In the global dispute arena, this combined model has proven effective in a variety of cases. For example, in the Samsung versus Apple patent dispute, a failed mediation process was quickly moved to arbitration, resulting in a final decision that ended cross-jurisdictional legal uncertainty. Similarly, the successful resolution through mediation in the Boeing Air France case, and through arbitration in the Chevron versus Ecuador case, demonstrate that the combination of these two methods can balance procedural efficiency, legal certainty, and the sustainability of economic relations between the parties (Kaufmann-Kohler & Kun, 2008).

Overall, the implementation of a combined mediation and arbitration mechanism within the framework of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes can be seen as a progressive step in the reform of Indonesian labor law, particularly in the context of the confiscation of company assets due to criminal acts. This mechanism not only ensures legal certainty but also provides integrative justice that combines the state's interest in asset recovery with the interests of workers in obtaining their rights. The existence of the Attorney General's Office as the primary executor of asset recovery makes this institution a key actor in operationalizing corrective justice. Therefore, the results of this combined process should have administrative power recognized by the Attorney General's Office or the Asset Recovery Center (PPA) as the basis for distributing a portion of the proceeds from the execution of confiscated assets to fulfill workers' rights. Such integration does not require radical changes to the legal regime, but rather a coordinated reconstruction of the criminal and labor legal systems to avoid a normative vacuum in the protection of workers' rights.

The primary advantage of the combined mediation and arbitration mechanism lies in its ability to quickly and efficiently create formal legal determinations. The final and binding nature of arbitration decisions makes them strong legal evidence regarding the extent of workers' rights. This document has administrative evidentiary value that can be used by executive institutions, such as the Attorney General's Office or the Asset Recovery Center (PPA), to allocate asset auction proceeds without the need for lengthy litigation. Furthermore, this model can address structural weaknesses in conventional non-litigation mechanisms regulated by the PPHI Law, such as bipartite settlement, mediation, and conciliation, which are often ineffective because the Attorney General's Office is not a party to industrial relations. With binding arbitration results, this combined mechanism provides both legal force and a stronger moral basis for fighting for workers' rights amidst jurisdictional limitations.

Time and cost efficiency are also reasons why the combined mechanism of mediation and arbitration is considered a global best practice. As implemented in Singapore and China, this mechanism does not require a new process if mediation fails, so that settlement can be carried out more quickly without losing legal legitimacy. This is in line with the principle of restorative justice, which emphasizes the resolution of disputes that is fast, fair, and oriented towards the survival of workers. Furthermore, because this process is based on the principle of agreement between the parties (*pacta sunt servanda*), as stated in Article 1338 paragraph (1) of the Civil Code, it also strengthens the legitimacy and level of compliance with the settlement results. Thus, this combined mechanism functions not only as a technical procedure, but also as an instrument for building a legal culture that respects agreements and social responsibility in industrial relations.

However, the combined mediation and arbitration mechanism still faces several challenges. First, although the arbitration outcome is final, the enforceability of the decision is limited because it only binds the parties to the agreement. The Prosecutor's Office or the Asset Recovery Center (PPA), which are not parties to the arbitration agreement, have no legal obligation to enforce the decision, so jurisdictional conflicts between labor and criminal law remain potentially problematic. This situation emphasizes the importance of cross-regime legislative reform to address the vacuum of executive authority and ensure a link between the labor law system and the criminal asset recovery system. Second, procedurally, potential Legal Protection for Workers in Situations Where the Company is Not Operational Normally Due to Criminal Acts

conflicts of interest can still arise when a mediator transitions into an arbitrator. Although international practice has established the need for explicit consent and transparency, the application of the principle of impartiality remains a crucial aspect that must be maintained to avoid distrust among either party. Third, from an institutional perspective, this combined mechanism requires normative adjustments to the PPHI Law and its derivative regulations to explicitly regulate the transition procedure from mediation to arbitration. In addition, updates are needed at the executive level through Attorney General Regulations or Government Regulations that recognize arbitration results as administrative documents that must be considered in the management of confiscated assets.

Another equally significant challenge is the disparity in regional implementation. As a country that adheres to a decentralized system, the capacity and competence of regional labor institutions are often heterogeneous. Differences in understanding regarding the combined mediation and arbitration mechanism can hinder consistent implementation and effective outcomes. Therefore, national technical guidelines and training for mediators and arbitrators under the supervision of the Ministry of Manpower and the Supreme Court are needed to ensure uniform implementation of this mechanism across all regions.

Considering these advantages and disadvantages, the combined mediation and arbitration mechanism remains a strategic legal instrument for integrating procedural effectiveness and substantive legal certainty. However, its success depends heavily on political commitment and cross-regime legislative reform. These reforms are needed to create a unified legal mechanism between industrial relations settlement institutions and criminal enforcement authorities. With this institutional connectivity, workers' rights will no longer be limited to the normative level but can be realized concretely in the context of confiscation of company assets. Thus, this combined mechanism is not only a procedural innovation, but also a form of corrective legal reconstruction that is able to bridge the fragmentation between labor law and criminal law in order to achieve substantive justice for workers.

CONCLUSION

The confiscation of corporate assets due to criminal acts reveals a significant conflict in Indonesia's legal system between the state's goal of recovering losses and the constitutional protection of workers' rights. Although labor and bankruptcy laws designate workers as preferred creditors, these protections often become ineffective when assets shift to the criminal law regime, which prioritizes state loss recovery under a separate legal framework. This gap leaves workers vulnerable, effectively penalized twice—first by corporate wrongdoing and then by enforcement actions that ignore their wage and severance rights. Future research should focus on developing practical models for integrated mediation-arbitration mechanisms applicable across different jurisdictions and sectors. Additionally, empirical studies are needed to evaluate administrative, financial, and political challenges in legislative reform, engaging key stakeholders such as the Attorney General's Office, Ministry of Manpower, trade unions, and business groups. Exploring the expansion of state-funded social safety nets like the Job Loss Guarantee (JKP) as immediate relief for affected workers, with potential state subrogation from confiscated asset proceeds, also offers a promising direction. These focused efforts can help transform the theoretical framework into concrete policies and legal reforms.

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