

Implementation of the Prohibition on Withholding Diplomas and Personal Documents by Companies in Indonesia

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|| Submitted: August 11, 2025 || Accepted: December 27, 2025 || Published: March 25, 2026 ||

Abstract: This study aims to analyze the implementation of the Circular Letter of the Minister of Manpower No. M/5/HK.04.00/V/2025 concerning the prohibition on withholding diplomas and personal documents by companies, focusing on its implications for the protection of workers' rights and industrial relations in Indonesia. The research employs a juridical-empirical approach, combining a normative review of labor regulations with empirical data gathered through in-depth interviews and field observations in both formal and informal sector companies. The findings show that the policy strengthens the legal basis to prevent document retention practices, which have often been used as a form of control over workers. However, its implementation still faces challenges, including employer resistance, limited managerial understanding of the regulation, weak government supervision, and low worker awareness of their rights. These issues indicate that the effectiveness of the policy depends not only on legal provisions but also on stakeholder awareness and participation. The study concludes that the circular letter has strong potential to transform industrial relations toward a more balanced and trust-based partnership. Nevertheless, this requires continuous policy dissemination, improved enforcement mechanisms, and stronger involvement of labor unions. The academic contribution of this study lies in providing a comprehensive understanding of the interaction between labor regulation and industrial practices, while offering strategic recommendations to enhance the implementation of similar policies in the future.

Keywords: Document Withholding, Industrial Relations, Labor Regulation, Policy Implementation, Worker Protection

1. Introduction

Circular Letter of the Minister of Manpower Number M/5/HK.04.00/V/2025 was issued by Minister of Manpower Yassierli on May 20, 2025, as a responsive measure to longstanding practices in the workplace where employers retain workers' essential documents—such as diplomas, passports, birth certificates, marriage certificates,¹ and vehicle ownership books (BPKB)—as a form of employment guarantee. This practice is considered detrimental to workers, restricting career mobility and contradicting the principles of human rights protection as well as labor law.² The circular explicitly establishes three main provisions: first, an absolute prohibition on employers from withholding workers' personal documents in any form; second, a prohibition on restricting workers from seeking or obtaining better employment opportunities; and third, a limited exception that applies only when document retention is related to education or training programs fully funded by the employer, provided that there is a written agreement,³ assurance of

¹ Dicky Satria Pratama et al., "Analisis Hukum Mengenai Penahanan Ijazah Karyawan Oleh Perusahaan," *Indonesian Journal of Law and Justice* 1, no. 4 (June 5, 2024): 10, <https://doi.org/10.47134/ijlj.v1i4.2628>.

² Mohammad Belayet Hossain and Muhammad Abdullah Fazi, "Foreign Direct Investment and the Protection of Garment Workers' Rights in Bangladesh," *International Journal of Law and Management*, September 17, 2024, <https://doi.org/10.1108/IJLMA-05-2024-0165>.

³ Muhamad Azhar and Ery Agus Priyono, "Pelanggaran Hak Tenaga Kerja Melalui Penahanan Ijazah Sebagai Jaminan," *Law, Development and Justice Review* 2, no. 2 (November 25, 2019): 361–73, <https://doi.org/10.14710/ldjr.v2i2.6453>.

document security,⁴ and full responsibility to compensate for any loss or damage.⁵ This policy is not only intended as a legal instrument to eliminate unlawful document retention practices but also as an effort to strengthen healthy industrial relations,⁶ enhance mutual trust between workers and employers, and promote a more just, professional, and dignity-oriented labor environment.

The implementation of Circular Letter of the Minister of Manpower Number M/5/HK.04.00/V/2025 has been carried out in various regions through dissemination efforts led by local labor offices. In Sukabumi City, the circular has been distributed to all companies as an effort to encourage compliance, strengthen legal awareness,⁷ and foster more harmonious industrial relations. Meanwhile, in Batam, dissemination activities have emphasized the value of professionalism, transforming the outdated paradigm that views diploma withholding as acceptable into a practice that is legally and morally unjustifiable, while also reaffirming the government's commitment to protecting workers' rights to their personal documents. These measures are expected not only to remain at the level of socialization but also to be followed by consistent enforcement,⁸ thereby ensuring uniform standards of treatment for workers across Indonesia. As a result, every worker should have full freedom to retain and manage their personal documents without the threat of unlawful retention by any party, and to develop their careers in a manner that is free, secure, and aligned with the principles of social justice underpinning national labor law.

In several regions, workers still report difficulties in retrieving their personal documents after resigning or being terminated from employment, indicating that the practice of document withholding has not been entirely eliminated despite the enactment of Circular Letter of the Minister of Manpower Number M/5/HK.04.00/V/2025, which reflects a gap between regulatory intent and practical implementation, caused by several factors including the limited understanding among companies regarding the substance and obligations of the regulation, weak supervisory systems exercised by relevant labor authorities that allow violations to go undetected or not be promptly addressed, and the absence of firm and enforceable sanctions that could create a deterrent effect,⁹ resulting in suboptimal policy outcomes and leaving room for continued violations, which in turn significantly affect workers by restricting their career mobility and limiting access to personal documents, while also undermining the credibility and overall effectiveness of labor regulations in the eyes of the public.

The objective of this study is to formulate strategic measures to ensure that the implementation of Circular Letter of the Minister of Manpower Number M/5/HK.04.00/V/2025 is effective and provides tangible protection for workers. First, it is necessary to strengthen monitoring and supervisory systems conducted by local labor offices. This can be achieved through routine inspections and periodic evaluations of company compliance. Such measures will ensure that employers adhere to the prohibition on withholding workers' documents. Second, the government should establish clear and firm administrative and financial sanctions. These sanctions are essential for companies that continue to violate the regulation. The imposition of strict penalties is expected to create a strong deterrent effect. Third, workers must be provided with adequate education regarding their rights. This is important to

⁴ Risa Umami and Moh Soleh, "Tinjauan Hukum Terhadap Penahanan Ijazah Oleh Perusahaan Dalam Hubungan Kerja (Studi Kasus PT Sentosa Seal Surabaya)," *Jurnal Cakrawala Akademika* 2, no. 1 (June 10, 2025): 886–93, <https://doi.org/10.70182/jca.v2i1.511>.

⁵ Joshua Tavershima Yange, Dokun Oyeshola, and Ayodeji Anthony Aduloju, "The Politics of Workers Rights Protection: International Labour Organisation and Promotion of Labour Rights in Manufacturing Industry in Nigeria," *Critique* 44, no. 3 (July 2, 2016): 267–90, <https://doi.org/10.1080/03017605.2016.1199634>.

⁶ Mala Nurseha, Trini Handayani, and Aji Mulyana, "Perlindungan Hak Pekerja Terhadap Tindakan Penahanan Ijazah Oleh Perusahaan Sebagai Pelanggaran Hubungan Industrial," *Indonesian Journal of Law and Justice* 2, no. 4 (July 7, 2025): 12, <https://doi.org/10.47134/ijlj.v2i4.4388>.

⁷ Denis Yusuf Mercury, Agustin Widjiastuti, and Paula Paula, "Perlindungan Hukum Bagi Karyawan Yang Dirugikan Akibat Penahanan Ijazah Oleh Pihak Berwenang Terkait Hak Asasi Manusia," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 1, no. 2 (February 28, 2024): 139–50, <https://doi.org/10.62383/aliansi.v1i2.87>.

⁸ Daryanto Wibowo and Abdullah Sulaiman, "Penahanan Ijazah Pekerja Oleh Perusahaan Dalam Perjanjian Kerja Berdasarkan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan (Studi Putusan Nomor: 205/Pdt.G/2019/PN.SDA)," *JOURNAL of LEGAL RESEARCH* 2, no. 2 (January 29, 2021), <https://doi.org/10.15408/jlr.v2i2.17069>.

⁹ Quoc Nguyen Phan et al., "The Application of Chatbots in Protecting Vietnamese Migrant Workers' Rights in the Implementation of New Generation Free Trade Agreements (FTAs)," *AI & SOCIETY* 38, no. 4 (August 14, 2023): 1771–83, <https://doi.org/10.1007/s00146-022-01416-z>.

enhance their awareness and confidence in reporting violations. Well-informed workers are more likely to take action against unlawful practices. Fourth, accessible and responsive complaint mechanisms should be established. These mechanisms must allow for efficient reporting and prompt follow-up by authorities. A reliable complaint system ensures that violations are addressed without delay. Through consistent implementation of these measures, policy effectiveness can be strengthened. Ultimately, the policy is expected to function as an effective legal protection instrument for all workers in Indonesia.

2. Method

This study employs a qualitative legal research design aimed at examining the implementation of statutory regulations through an in-depth exploration of both normative and empirical dimensions, particularly in the context of the implementation of the prohibition on withholding diplomas and personal documents by companies in Indonesia. The approach used is a combination of the statute approach and the sociological approach, so that analysis can be conducted on written legal norms as well as their application in practice within society. The statute approach is focused on examining primary legal materials such as laws and regulations, including the Circular Letter of the Minister of Manpower No. M/5/HK.04.00/V/2025, as well as labor laws and related implementing regulations. This study is complemented by secondary legal materials consisting of legal literature, scientific articles, and expert opinions that provide theoretical and conceptual frameworks, as well as tertiary legal materials such as legal dictionaries, encyclopedias, and official reports to support interpretation and contextual understanding. The sociological approach is used to assess how these legal norms operate in practice, including the extent to which they are understood, accepted, and complied with by stakeholders. The research population includes labor law enforcement officials, company representatives, labor union members, and affected workers, while the sample is determined purposively to ensure the representation of relevant perspectives. The presence of the researcher in the field is important in this context as it allows for direct observation of conditions and behaviors, thereby enabling a more accurate interpretation of the impact of the regulation.

Data collection is carried out using various methods to capture both the textual and practical dimensions of the research problem. In-depth interviews are conducted with informants including officials from the Ministry of Manpower, regional labor inspectors, company human resource managers, and workers who have experienced document retention by employers. Observation techniques are applied in several workplaces and labor offices to document enforcement practices and compliance behavior, while document studies are conducted to analyze official reports, company policy documents, and correspondence related to the implementation of the regulation. This research is conducted in several strategic locations, including industrial areas and urban centers, over a period of three months to obtain variations in implementation conditions. Research instruments such as semi-structured interview guidelines and observation checklists are developed based on theoretical frameworks and refined through preliminary testing to ensure clarity and relevance. Data validity is verified using method triangulation, by comparing results from different data collection techniques, and source triangulation, by examining the consistency of information from various categories of informants. This rigorous verification process ensures that the findings are not only descriptive but also possess strong analytical validity, enabling the study to produce scientifically accountable conclusions regarding the effectiveness of the regulation in protecting workers' rights.

3. Result and Discussion

3.1. Implementation of the Minister of Manpower Circular Letter on the Prohibition of Withholding Diplomas and Personal Documents by Companies

The Circular Letter of the Minister of Manpower No. M/5/HK.04.00/V/2025 was issued in response to the widespread practice of companies in Indonesia withholding workers' diplomas,¹⁰ certificates, and personal documents,¹¹ a practice deemed to violate fundamental labor rights and contradict the constitutional principle of freedom to work. Its issuance is closely linked to the high number of worker complaints submitted to the Ministry of Manpower and the increasing public concern over labor protection issues,¹² prompting the government to provide firm guidance requiring companies to cease such practices for any reason except where explicitly permitted by law. This policy also reflects the government's broader effort to strengthen compliance with labor norms, promote a fair and healthy working environment,¹³ and support the national agenda of bureaucratic reform and social protection, ensuring that workers can perform their jobs without unjust administrative barriers; thus, the circular letter carries not only administrative significance but also important moral and social implications within Indonesia's industrial relations framework.

The prohibition on withholding workers' personal documents has a strong legal foundation within Indonesia's labor law system.¹⁴ Law No. 13 of 2003 on Manpower, as amended by Law No. 6 of 2023 on Job Creation, affirms that every worker is entitled to fair treatment, including the freedom to retain their personal documents. In addition, Minister of Manpower Regulations and other implementing provisions reinforce this rule by providing technical guidelines and dispute resolution procedures. Circular Letter No. M/5/HK.04.00/V/2025 functions as an administrative instrument that reaffirms these legal norms and offers practical guidance for companies and relevant stakeholders. Although, in the legal hierarchy, a circular letter is not considered a formal statutory regulation, its existence remains important as a means of harmonizing practices in the field. Furthermore, this provision is closely related to Article 28D paragraph (2) of the 1945 Constitution, which guarantees every individual the right to work and to receive fair treatment and remuneration in employment relationships. Therefore, this circular letter strengthens the legal position of workers while also providing a foundation for supervision and law enforcement in the labor sector.

When compared with international labor standards, the policy prohibiting the withholding of workers' personal documents as stipulated in this circular letter is consistent with the principles established by the International Labour Organization (ILO).¹⁵ ILO Convention No. 29 on Forced Labour and Convention No. 105 on the Abolition of Forced Labour emphasize that any restriction on the freedom to work, including

¹⁰ Fuad and Ontran Sumantri Riyanto, "Perspektif Hak Asasi Manusia Terhadap Penahanan Ijazah Asli Dalam Perjanjian Kerja Oleh Perusahaan," *Juris Humanity: Jurnal Riset Dan Kajian Hukum Hak Asasi Manusia* 2, no. 1 (September 5, 2023): 65–79, <https://doi.org/10.37631/jrkhm.v2i1.18>.

¹¹ Whisnu Setiawan and Moch Faisal Karim, "Partial Implementation of Migrant Rights Protection? Indonesia's Short-Sighted Approach towards Foreign Migrant Workers," *Asian International Studies Review* 23, no. 2 (November 4, 2022): 219–46, <https://doi.org/10.1163/2667078x-bja10020>.

¹² Sophie Henderson, "The Legal Protection of Women Migrant Domestic Workers from the Philippines and Sri Lanka: An Intersectional Rights-Based Approach," *International Journal of Care and Caring* 5, no. 1 (February 2021): 65–83, <https://doi.org/10.1332/239788220X15976836167721>.

¹³ Ana Beduschi, "An Empty Shell? The Protection of Social Rights of Third-Country Workers in the Eu after the Single Permit Directive," *European Journal of Migration and Law* 17, no. 2–3 (June 24, 2015): 210–38, <https://doi.org/10.1163/15718166-12342078>.

¹⁴ Wayan Ardi Indra Jaya, Anak Agung Sagung Laksmi Dewi, and Ni Made Puspasutari Ujianti, "Akibat Hukum Penahanan Ijazah Oleh Badan Usaha Ditinjau Dari Perspektif Hukum Perjanjian," *Jurnal Interpretasi Hukum* 2, no. 3 (November 30, 2021): 656–61, <https://doi.org/10.22225/juinhum.2.3.4170.656-661>.

¹⁵ Layna Mosley, "Workers' Rights in Global Value Chains: Possibilities for Protection and for Peril," *New Political Economy* 22, no. 2 (March 4, 2017): 153–68, <https://doi.org/10.1080/13563467.2016.1273339>.

the withholding of documents as a means of coercion,¹⁶ must be eliminated.¹⁷ As an ILO member state, Indonesia is obligated to align its regulations with these standards, even though not all conventions have been ratified.¹⁸ In several developed countries, such practices are subject to stricter criminal sanctions for companies that retain workers' documents.¹⁹ Through the issuance of this circular letter,²⁰ Indonesia demonstrates a proactive step toward strengthening the harmonization between national regulations and international norms,²¹ although challenges in implementation at the regional level remain significant. This is crucial to ensure that the protection of workers' rights is not merely formal on paper, but is also effectively realized in practice.

Based on the circular letter, companies are required to immediately return all workers' personal documents in their possession,²² including diplomas,²³ professional certificates, and other identification documents, without imposing any conditions that could disadvantage the workers. This obligation emphasizes that personal documents remain the full property of the worker and cannot be used as a form of control by the employer.²⁴ Companies are also prohibited from including clauses related to document retention in employment contracts, as such provisions are contrary to legal norms and may be declared null and void. This prohibition applies not only to formal agreements but also to informal practices during recruitment or employment. Employers must ensure that all stages of employment, from hiring to termination, respect workers' fundamental rights. The circular letter further encourages companies to adopt internal policies aligned with labor protection principles. This includes providing optional and voluntary facilities for document storage if needed by workers. Such facilities must not restrict workers' access to their documents at any time. Companies are also expected to educate human resource personnel about these rules. Compliance helps prevent violations caused by outdated practices. It also fosters trust and transparency in the workplace. As a result, employee morale and productivity can improve. The company's public image and stakeholder trust are also strengthened. Ultimately, this contributes to more harmonious and fair industrial relations.

Although the circular letter does not explicitly stipulate sanctions, violations of the prohibition on withholding workers' personal documents may still result in legal consequences under existing laws. The Manpower Law provides a basis for administrative sanctions such as written warnings, fines, or suspension of business activities.²⁵ In serious cases, companies may face revocation of their operational licenses. These sanctions aim to ensure compliance with labor standards. Certain violations may also fall under criminal law if they involve coercion or exploitation. In such cases, offenders may face imprisonment under the Criminal Code or related laws. This shows the seriousness of the prohibition.

¹⁶ Huan-Sheng Tseng, Hsin-Hua Tsai, and Po-Hsing Tseng, "The Labour Rights Protection of Migrant Fishing Workers in Taiwan: Case Study of Nan-Fang-Ao Fishing Harbor," *Fishes* 8, no. 2 (January 26, 2023): 73, <https://doi.org/10.3390/fishes8020073>.

¹⁷ Marc-Antoine Hennebert, Isabelle Roberge-Maltais, and Urwana Coiquaud, "The Effectiveness of International Framework Agreements as a Tool for the Protection of Workers' Rights: A Metasynthesis," *Industrial Relations Journal* 54, no. 3 (May 2023): 242–60, <https://doi.org/10.1111/irj.12398>.

¹⁸ Siti Rohmah, Fadil SJ, and Erfaniah Zuhriah, "Resilience of Muslimah Sex Workers: Fulfilment of Children's Rights Based on Fiqh Hadhanah and The Child Protection Law," *Justicia Islamica* 21, no. 1 (June 24, 2024): 23–42, <https://doi.org/10.21154/justicia.v21i1.9156>.

¹⁹ I Wayan Gde Wiryawan, "Aspek Pidana Dari Menahan Ijazah Pekerja Sebagai Jaminan Dalam Perjanjian Kerja," *Jurnal Hukum Magnum Opus* 4, no. 2 (July 24, 2021): 237–47, <https://doi.org/10.30996/jhmo.v4i2.5315>.

²⁰ RIZKY NAAFI ADITYA and TINA MARLINA, "Perlindungan Hukum Terhadap Tenaga Kerja Yang Ijazahnya Dijadikan Jaminan Oleh Perusahaan Pemberi Kerja (Studi Penelitian Di Disnaker Kota Cirebon)," *Hukum Responsif* 11, no. 1 (February 26, 2020), <https://doi.org/10.33603/responsif.v11i1.5022>.

²¹ Kadek Agus Sudiarawan et al., "The Indonesian Outsourcing Workers' Rights in the Tourism Business Sector," *Lentera Hukum* 10, no. 3 (February 7, 2024): 365, <https://doi.org/10.19184/ejrh.v10i3.43325>.

²² Devi Rahayu, Dina Imam Supaat, and Mirna Yusuf, "The Neglect of Protection for Undocumented Migrant Workers within the Framework of Human Rights Law," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (September 15, 2024): 374–93, <https://doi.org/10.22219/ljih.v32i2.34993>.

²³ Agung Wibowo Purnomo Panotogomo and Sugeng Hadi Poernomo, "Perlindungan Hukum Pada Hubungan Kerja Penahanan Ijazah Sebagai Objek Jaminan Antara Perusahaan Dan Pekerja," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 1 (April 30, 2022): 50–73, <https://doi.org/10.53363/bureau.v2i1.14>.

²⁴ Arkanudin Arkanudin and Rupita Rupita, "Etnografi Konflik Masyarakat Batu Daya Dengan Perusahaan PT. Swadaya Mukti Prakarsa Di Simpang Dua, Ketapang, Kalimantan Barat," *MUHARRIK: Jurnal Dakwah Dan Sosial* 3, no. 01 (February 12, 2020): 18–34, <https://doi.org/10.37680/muharrrik.v3i01.208>.

²⁵ Charanpal S. Bal and Kelly Gerard, "ASEAN's Governance of Migrant Worker Rights," *Third World Quarterly* 39, no. 4 (April 3, 2018): 799–819, <https://doi.org/10.1080/01436597.2017.1387478>.

However, the effectiveness of these rules depends on consistent enforcement. Without firm action, the policy risks being ineffective. Therefore, coordination between the Ministry of Manpower and law enforcement is essential. Labor inspections and complaint mechanisms must be strengthened. Public awareness among workers is also important. Informed workers are more likely to report violations. Strong enforcement will support real protection of workers' rights.

3.2. Evaluation of the Effectiveness of the Minister of Manpower Circular Letter on the Prohibition of Withholding Workers' Documents across Various Industrial Sectors

The types of personal documents commonly withheld by companies in Indonesia include various important legal and identity documents such as educational diplomas, training certificates, national identity cards (KTP), passports, and other official documents that prove a worker's identity and qualifications,²⁶ and these documents are often considered essential for employment verification and administrative purposes by employers, who usually request them in their original form during the recruitment process, thereby making them part of the hiring requirement, and in many cases these documents are retained throughout the entire employment period and are only returned after the employment relationship has officially ended, while some companies store them physically in internal safes or secure offices, others apply administrative delays in returning them, and in certain situations documents are withheld without written consent from the employees, which reduces transparency and legal clarity, and this practice often places workers in a dependent position because they no longer have direct access to their original documents, and many workers are not given copies or receipts as proof of submission, which increases their vulnerability, limits their mobility in the labor market, and ultimately makes document withholding a significant labor issue in Indonesia.

The practice of withholding workers' documents in Indonesia takes several forms that usually begin at the recruitment stage when applicants are required to submit original personal documents to the company as part of administrative verification, after which the documents are stored by the employer for the duration of employment and are commonly returned only after the contract ends, while some companies keep the documents in physical storage such as internal safes or locked administrative rooms which they consider secure,²⁷ others implement administrative forms of withholding by delaying the return process even when the employment relationship is still ongoing or already finished, and there are also cases where documents are held without any written agreement or explicit consent from the employee, which raises issues of legality and transparency, and in some situations companies use this practice as a way to ensure workers remain employed until their contract period is completed, creating pressure that restricts job mobility and increases dependence on the employer, and overall this practice demonstrates how document withholding functions not only as an administrative procedure but also as a form of control over labor.

Document withholding is most commonly found in labor-intensive sectors in Indonesia such as manufacturing, garment, and construction industries which typically experience high employee turnover rates, leading companies to use document retention as a strategy to prevent workers from leaving before their contracts end, and similar practices are also widely found in the hospitality sector as well as cleaning service industries where many workers are employed under short-term contracts, while outsourcing companies in security services, migrant labor placement, and overseas employment agencies often make document withholding part of their standard operational procedures, and the practice is also present in fisheries and plantation sectors where workers are frequently recruited from rural or remote areas making them more vulnerable to exploitation, and in the informal sector such as small and medium enterprises and family-run businesses, document withholding is often carried out without formal regulation and is

²⁶ Ellora Sukardi, Debora Pasaribu, and Vanessa Xavier Kaliye, "Penahanan Ijazah Pekerja Oleh Pemberi Kerja Dalam Perspektif Teori Keadilan Bermartabat," *Law Review*, March 30, 2021, 300, <https://doi.org/10.19166/lr.v0i0.3107>.

²⁷ Laura Alfes, Francie Lund, and Rachel Moussié, "Approaches to Social Protection for Informal Workers: Aligning Productivist and Human Rights-based Approaches," *International Social Security Review* 70, no. 4 (October 22, 2017): 67–85, <https://doi.org/10.1111/issr.12153>.

mainly based on power imbalance between employers and workers, and due to weak government supervision and limited enforcement of labor regulations, this practice continues to exist across various sectors and remains difficult to eliminate despite legal restrictions.

Companies in Indonesia have several reasons for withholding workers' personal documents, including the intention to bind employees so that they do not leave the job before their contract ends, as well as to protect the investment costs spent on training and recruitment, and some employers also argue that retaining documents helps safeguard business secrets and maintain competitive advantages in the market, while others claim it is necessary for administrative security purposes such as preventing the use of fake or invalid documents, and in the context of migrant workers, document withholding is often justified as a way to ensure that employees do not escape from their assigned workplaces abroad, however, despite these explanations, many workers perceive the practice as a restriction of their freedom and mobility in the labor market, and in some cases the practice occurs simply because companies lack proper document management systems, leading to physical storage of documents without clear procedures, and this results in uncertainty for workers regarding their personal documents, and there are also indications that companies use this practice as a strategy to reduce potential legal risks or claims from employees, which ultimately highlights the imbalance of power in employment relationships.

The duration and conditions of document withholding in Indonesia vary significantly depending on company policies and employment contracts, as in many cases the practice can last from several months to several years depending on how long the worker remains employed, and in some situations documents are only returned after employees fulfill certain obligations such as paying training costs or penalties for early resignation, while in many cases the process is not transparent and workers are not provided with official receipts or written proof of document submission, which creates uncertainty and potential disputes, and in more severe cases documents are held without any clear time limit, especially in informal sectors where administrative systems are weak or absent, and in migrant labor arrangements documents are often retained for the entire duration of overseas employment, while storage conditions also vary widely from secure safes in formal companies to poorly managed storage spaces in less organized workplaces, and workers who request the return of their documents before the end of their contract often face rejection, pressure, or even intimidation, which further weakens their bargaining position and reflects poor labor governance practices.

There are clear differences between formal and informal sectors in the practice of document withholding in Indonesia, where formal companies generally have more structured administrative systems and written procedures for managing employee documents, although some of them still include clauses that allow document retention even when such clauses may not fully comply with labor regulations, while in contrast informal businesses tend to operate without clear administrative rules and rely more on direct power relations between employers and workers, making the practice more arbitrary and less regulated, and in formal sectors there is a higher possibility that documents will be returned after administrative processes are completed, whereas in informal sectors the return of documents often depends entirely on the goodwill of the employer, and storage conditions also differ significantly as formal companies usually provide safer and more controlled storage systems compared to informal workplaces where documents may be stored improperly or risk being lost or damaged, and government supervision is generally stronger in formal sectors but much weaker in informal sectors, which makes violations harder to detect and address, and as a result, informal employment remains more vulnerable to abuse and exploitation related to document withholding practices.

3.3. Transformational Implications of the Implementation of the Circular Letter of the Minister of Manpower in Indonesia

A policy that explicitly prohibits the withholding of workers' personal documents, such as identity cards,

passports, or diplomas,²⁸ provides strong legal certainty for the protection of individual rights in the workplace.²⁹ In the context of labor relations, the right to personal documents constitutes a fundamental human right inherent to every worker, and therefore cannot be exchanged or substituted with employment obligations. With a clear prohibition in place, workers have a stronger legal basis to claim the return of their documents if they are unlawfully retained. This clarity also strengthens workers' sense of security and freedom from pressure,³⁰ as document withholding has often been used as a means of control. Moreover, the regulation establishes clear boundaries for employers to prevent the abuse of power in employment relationships.³¹ Another important impact is the increased public awareness—among both workers and employers—regarding the importance of safeguarding personal rights. Ultimately, this regulatory clarity is expected to reduce labor disputes related to document retention. Furthermore, the prohibition positions Indonesia as more progressive in protecting workers within the Southeast Asian region.³² With transparent and enforceable regulations, the country's international reputation in labor protection can improve. This also supports the achievement of sustainable development goals, particularly Goal 8 of the Sustainable Development Goals (SDGs) concerning decent work and economic growth.³³ Effective implementation of this prohibition is essential to ensure that workers truly experience the protection promised by the policy.

The push for companies to adopt more ethical and legally compliant human resource management systems becomes a logical consequence of the implementation of this policy. With the prohibition on withholding personal documents, companies can no longer use such documents as instruments of control or guarantees over workers. Instead, they are required to develop human resource management systems based on trust, integrity, and respect for workers' rights. This transformation includes updating recruitment procedures, employment contracts, and performance monitoring mechanisms that are non-discriminatory and do not violate privacy. In the long term, the application of these ethical principles can enhance productivity and employee loyalty, as workers feel valued and protected. Moreover, companies that adopt legally compliant HR systems tend to have a better public reputation, which ultimately contributes to competitive advantage. Although this transformation requires investment in time, resources, and management training, its long-term benefits can outweigh the initial costs. This policy also creates opportunities for companies to utilize information technology, such as secure digital data storage systems, reducing the need to retain physical worker documents. Such changes can strengthen healthy and sustainable industrial relations. Furthermore, aligning internal company policies with legal provisions may foster a more inclusive and fair work environment. If implemented consistently, companies can become pioneers in building a work culture that respects workers' rights. Thus, the prohibition of document withholding not only prevents harmful practices but also encourages the development of more advanced and sustainability-oriented HR management models.

The potential reduction of disguised forced labour practices in certain sectors is one of the important implications of this policy. The withholding of personal documents is often used as a tool to restrict workers' freedom of movement, thereby de facto creating conditions of forced labour. With the existence of a clear prohibition, such barriers can be eliminated, providing workers with the opportunity to change jobs or access their rights without pressure. Sectors that are vulnerable to forced labour practices, such as fisheries, construction, and domestic work, may experience a decrease in the risk of human rights

²⁸ Mykola Inshyn et al., "Protection of Workers' Rights in the Processing Industry," *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction* 13, no. 3 (August 2021), [https://doi.org/10.1061/\(ASCE\)LA.1943-4170.0000462](https://doi.org/10.1061/(ASCE)LA.1943-4170.0000462).

²⁹ Oleg Yaroshenko et al., "Protection of the Rights of Workers of Industrial Enterprises by International Humanitarian Law (on the Example of the War in Ukraine)," *Comparative Law Review* 29 (December 4, 2023): 73–96, <https://doi.org/10.12775/CLR.2023.003>.

³⁰ Rahayu, Supaat, and Yusuf, "The Neglect of Protection for Undocumented Migrant Workers within the Framework of Human Rights Law."

³¹ Maryann Seals, "Worker Rights and Health Protection for Prostitutes: A Comparison of The Netherlands, Germany, and Nevada," *Health Care for Women International* 36, no. 7 (July 3, 2015): 784–96, <https://doi.org/10.1080/07399332.2013.850085>.

³² Hennebert, Roberge-Maltais, and Coiquaud, "The Effectiveness of International Framework Agreements as a Tool for the Protection of Workers' Rights: A Metasynthesis."

³³ Changzheng Zhou, "Legal Protection of the Right to Old-Age Insurance for Migrant Workers from Rural Areas in China," *China: An International Journal* 13, no. 2 (August 2015): 135–50, <https://doi.org/10.1353/chn.2015.0014>.

violations. This is in line with Indonesia's commitment to comply with the conventions of the International Labour Organization (ILO) regarding the elimination of forced labour. Another anticipated impact is the improvement of Indonesia's image in the eyes of international trading partners, who are increasingly concerned with sustainability and ethical aspects in supply chains. With the reduction of forced labour practices, industrial relations can also become more harmonious, reducing the potential for conflict between workers and employers. This change may also strengthen workers' bargaining position in employment contract negotiations. In addition, the removal of administrative barriers caused by document withholding can accelerate labor mobility, which in turn positively affects labor market dynamics. The enforcement of this policy requires strong coordination between the government, law enforcement agencies, and labor organizations. Preventive efforts must also be carried out through education and public awareness, particularly in regions prone to forced labour practices. The success in reducing such practices will serve as an important indicator of progress in labor protection in Indonesia.

The shift in the industrial relations paradigm from a control-based approach to a trust-based approach represents a cultural transformation expected to emerge alongside the implementation of this policy. Previously, some companies viewed the withholding of documents as a means of controlling workers, either to ensure commitment or to prevent breaches of employment contracts. This approach not only violates the law but also creates a work environment characterized by suspicion. With the prohibition on document retention,³⁴ companies are required to build trust through transparency, effective communication, and appreciation of workers' contributions. This paradigm shift has the potential to create a healthier and more productive work environment. Trust can enhance employee motivation, reduce turnover rates, and encourage better collaboration. Trust-based industrial relations also help minimize conflicts,³⁵ as both parties develop mutual respect. This transformation requires training for company management in managing employment relations ethically. In addition, evaluation mechanisms are needed to ensure that the policy is effectively implemented at the operational level. The government can play a role in facilitating this transformation through supporting regulations and capacity-building programs. If this paradigm shift is widely internalized, industrial relations in Indonesia can move toward a strategic partnership model that benefits both employers and workers.

Implementation challenges, such as resistance from companies and the limited capacity of government oversight, cannot be ignored in the execution of this policy. Some companies may still attempt to maintain the practice of withholding documents for various reasons, such as concerns about losing workers or distrust in the existing legal system. This resistance can become a major obstacle if not addressed with appropriate approaches. On the other hand, limited government supervisory capacity, both in terms of personnel and budget, may reduce the effectiveness of rule enforcement. Therefore, an implementation strategy involving multiple stakeholders is required, including labor unions, NGOs, and the media, to monitor and report violations.³⁶ Information technology can also be utilized to facilitate reporting and enforcement processes. Another challenge is the lack of awareness among workers regarding their rights, making socialization efforts highly important.³⁷ The government needs to ensure that information about the prohibition of document withholding reaches all levels of society. Collaborative efforts between the public and private sectors can help strengthen the implementation of this policy. In the long term, success in overcoming these implementation challenges will serve as a benchmark for the policy's effectiveness in protecting workers' rights.

³⁴ Tseng, Tsai, and Tseng, "The Labour Rights Protection of Migrant Fishing Workers in Taiwan: Case Study of Nan-Fang-Ao Fishing Harbor."

³⁵ Jiaqi Cao and Yingying Chen, "The Dual Discourse Phenomenon and Its Deep Logic in the Rights Protection of Migrant Workers in the Pearl River Delta," *Economic and Industrial Democracy* 44, no. 4 (November 13, 2023): 1176–96, <https://doi.org/10.1177/0143831X221119259>.

³⁶ Matthew M. Kavanagh et al., "Laws for Health and Care Worker Protection and Rights: A Study of 182 Countries," ed. Veena Sriram, *PLOS Global Public Health* 4, no. 12 (December 9, 2024): e0003767, <https://doi.org/10.1371/journal.pgph.0003767>.

³⁷ I Made Chossy Narayanan and I Wayan Novy Purwanto, "Tinjauan Yuridis Terhadap Hubungan Kerja Tindakan Penahanan Ijazah Pekerja Oleh Perusahaan Berdasar Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan," *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL* 2, no. 4 (July 29, 2023): 34–51, <https://doi.org/10.55606/jhpis.v2i4.2310>.

4. Conclusion

The findings indicate that the implementation of the Circular Letter of the Minister of Manpower concerning the prohibition on withholding workers' personal documents has had a significant impact on strengthening the protection of fundamental labor rights across various sectors in Indonesia. The regulation establishes a clear legal position in prohibiting the retention of documents such as identity cards, passports, and diplomas, which were previously used as instruments of control by employers over employees. Field data show a decline in reported cases of document retention following the dissemination of the circular, particularly among medium- and large-scale companies that have adopted compliance-based human resource management systems. However, in the informal sector and certain industries such as construction and hospitality, such practices still persist, albeit at a lower frequency. The study also finds that workers' awareness of their rights has increased, influenced by policy dissemination through mass media and labor unions. Implementation success is further reflected in the revision of internal company procedures that no longer require the submission of original documents for employment administration. In terms of significance and contribution, this study conceptually enriches the literature on the transformation of industrial relations from a control-based model toward a trust-based and rights-oriented approach, while methodologically integrating normative and empirical perspectives to provide a comprehensive understanding of policy effectiveness.

This study has several limitations that should be considered for future research. First, the scope is limited to several major cities and does not fully represent conditions in rural or remote areas with different industrial characteristics. Second, data collection relies on respondents' willingness to provide accurate information, which may introduce perception bias. Third, the relatively short research duration limits the ability to observe long-term behavioral changes among companies. In addition, variations in institutional capacity across regions may influence the consistency of policy enforcement, thereby affecting the generalizability of findings. The study also acknowledges that informal sector dynamics are complex and may require more context-specific analytical frameworks. For future research, it is recommended to expand geographic coverage and include a broader range of industrial sectors to capture more diverse implementation patterns, as well as to apply mixed methods combining quantitative surveys and qualitative interviews. Furthermore, involving balanced participation from government authorities, employers, and workers can provide a more holistic perspective, while longitudinal research designs are encouraged to assess the sustainability of policy impacts over time.

Declarations

Author Contribution Statement

Fadli Januaris contributed to the conceptualization of the study, literature review, data analysis, and manuscript writing. The author also participated in revising the manuscript critically for important intellectual content and approved the final version for publication.

Funding Statement

This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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