

## JURIDICAL ANALYSIS OF INTERNSHIP DIFFERENCES FROM THE PERSPECTIVE OF LAW NO. 6 OF 2023 CONCERNING EMPLOYMENT CLUSTER WORK CREATION AND LAW NO. 18 OF 2003 CONCERNING ADVOCATES

Ana Riana

<sup>1</sup> Faculty of Law, Proklamasi 45 University, Indonesia. E-mail: [anariana@up45.ac.id](mailto:anariana@up45.ac.id)

**Abstract:** *This research analyses the differences in internship arrangements in Law Number 6 of 2023 on Job Creation of the Employment Cluster and Law Number 18 of 2003 on Advocates by using the perspective of Aristotle's theory of distributive justice. The background of this research is based on the significant changes in the regulation of internships after the enactment of the Job Creation Law, especially related to the rights and obligations of interns and internship employers. This research uses a normative legal research method with a statutory approach and a conceptual approach. The analysis is conducted through a literature study of primary, secondary, and tertiary legal materials. The results show that there are fundamental differences in the regulation of internships between the two laws, especially in the aspects of legal protection, social security, and compensation for interns. Based on Aristotle's theory of distributive justice, the Job Creation Law provides a fairer legal framework in the distribution of rights and obligations between apprentices and employers. This research recommends the need for harmonisation of implementing regulations and stricter supervision to ensure effective implementation.*

**Keywords:** *Internship, distributive justice, employment, advocate, legal protection*

### INTRODUCTION

Internships are a crucial component in human resource development and the transition from education to the professional world. In Indonesia, internship practices have undergone significant evolution, especially with the enactment of Law No. 6 of 2023 on Job Creation, which introduced substantial changes in employment regulations, including the internship system. These changes have created new dynamics, particularly in the context of legal internships, which were previously specifically governed under Law No. 18 of 2003 on Advocates. (Penny Naluria Utami, 2020)

Prior to the enactment of the Job Creation Law, internships in law firms were regulated distinctly and separately from the general employment law framework. Prospective advocates were required to complete a two-year consecutive internship at a law office before being eligible to take the professional exam. (Ahmad Redid and Ibnu Sina Chandranegara, 2020) This regulation carried unique characteristics that differentiated it from other types of internships, particularly concerning legal protection and the rights of interns.

The introduction of the Job Creation

Law has brought a new paradigm to the national internship system by emphasizing principles of distributive justice as articulated by Aristotle. (Carl Joachim Friedrich, 2007) The concept of distributive justice, which highlights the proportional allocation of rights and responsibilities, is relevant in analyzing these regulatory changes. This is reflected in new provisions such as social security for interns, competency standards, and more comprehensive mechanisms for legal protection. (Kadir, 2023)

The regulatory differences between the two laws raise critical questions about legal harmonization and the effectiveness of protection for interns. How does the Job Creation Law regulate the internship system compared to the Advocates Law from the perspective of distributive justice? Have the changes to internship regulations in the Job Creation Law embodied the principles of distributive justice as intended by Aristotle? What are the implications of these regulatory differences for the legal protection of interns in law firms?

## **METHOD**

This study employs a normative legal research method with a statute approach and a conceptual approach. The statute approach involves examining Law No. 6 of 2023 on Job Creation (Employment Cluster) and Law No. 18 of 2003 on Advocates, along with their implementing regulations. Meanwhile, the conceptual approach is utilized to analyze Aristotle's concept of distributive justice in the context of internship regulations. (Peter Mahmud Marzuki, 2021)

## **ANALYSIS AND DISCUSSION**

### **A. Comparative Analysis of Internship Regulations in the Job Creation Law and the Advocate Law**

#### ***Basic Concept and Objectives of Internship***

The internship program under the Job Creation Law has a broader and more

comprehensive orientation, fundamentally differing from the concept of internship in the Advocate Law. The Job Creation Law defines an internship as part of a job training system that is conducted in an integrated manner, combining training at training institutions with direct work under the guidance and supervision of instructors or more experienced workers. (Job Creation Law) This definition emphasizes systematic and structured learning and skill development.

The objectives of the internship in the Job Creation Law are directed at three main aspects: improving work competence, productivity, and welfare. (Agusmidah, 2023) This program not only focuses on mastering technical skills but also includes the development of soft skills and understanding workplace culture. This is reflected in the provisions requiring internship providers to develop structured training programs and conduct regular evaluations of interns' competency development. (Government Regulation No. 36 of 2021 on Wages) On the other hand, internships under the Advocate Law have more specific and limited characteristics. Article 3, paragraph (1), letter g of the Advocate Law establishes an internship as a mandatory requirement to be appointed as an advocate. (Law No. 18 of 2003 on Advocates) Its primary objective is to prepare prospective advocates by providing practical experience in case handling and an understanding of professional ethics in the legal field. This program focuses more on professionalism and specialized expertise in the field of law. (V. Harlen Sinaga, 2021)

These fundamental differences reflect distinct approaches to the distribution of internship opportunities and benefits. The Job Creation Law adopts an inclusivity principle by opening internship opportunities widely to various groups, including graduates of formal, informal, and non-formal education. (Aloysius Uwiyono, 2022)

Meanwhile, the Advocate Law limits internship programs to law graduates who meet certain requirements, reflecting the exclusive nature of the legal profession as *officium nobile*. (Binziad Kadafi, 2023)

***Rights and Obligations of the Parties***

*Interns' Rights and Obligations* The Job Creation Law introduces a new paradigm in regulating interns' rights and obligations with a more comprehensive and protection-oriented approach. Unlike the Advocate Law, which adopts a minimalist approach to regulating interns' rights, the Job Creation Law provides broader and more detailed protection. (Asri Wijayanti, 2023)

1. Employment Social Security  
 Interns are entitled to employment social security protection, including:
  - Workplace accident insurance,
  - Death insurance,
  - Health insurance.
 These provisions are further elaborated in Government Regulation No. 37 of 2021, which mandates that employers enroll interns in the BPJS Employment program. (Government Regulation No. 37 of 2021)
2. Allowance and/or Transportation Compensation  
 The Job Creation Law stipulates that interns are entitled to:
  - An allowance based on mutual agreement,
  - Transportation compensation to support interns' mobility,
  - Holiday bonuses in accordance with the company's capability. (Nur Rohim Yunus, 2023)
3. Internship Certificate  
 Interns have the right to receive:
  - Nationally recognized internship

- certificates,
- Competency assessments based on established standards,
- Recognition of work experience. (Ministry of Manpower of the Republic of Indonesia)

Meanwhile, the Advocate Law focuses more on the obligations of interns, including:

- A minimum presence of two consecutive years,
- Participation in case handling,
- Preparation of regular internship reports. (Todung Mulya Lubis, 2023)

*Employers' Obligations*

1. Provision of Occupational Safety and Health Facilities  
 The Job Creation Law mandates that internship providers:
  - Provide personal protective equipment according to occupational safety and health standards,
  - Offer workplace accident insurance,
  - Ensure a safe and healthy work environment. (Abdul Khakim, 2023)
2. Structured Job Training  
 Internship providers are required to:
  - Develop a structured training curriculum,
  - Appoint competent mentors,
  - Implement programs based on the training plan. (Lalu Husni, 2023)
3. Periodic Evaluation  
 Internship providers must conduct:
  - Regular assessments of competency achievements,
  - Documentation of interns' progress,
  - Provision of constructive feedback. (Minister of Manpower Regulation No. 6 of 2020)
 In contrast, the Advocate Law simplifies the obligations of law offices as internship providers, focusing on:

- Offering opportunities to practice case handling,
- Supervising interns' performance,
- Issuing internship completion certificates. (Frans Hendra Winarta, 2023)
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## **B. Implementation of Aristotle's Theory of Distributive Justice in Internship Regulation**

In the era of globalization and intense competition in the labor market, internships have become a pivotal tool in preparing young individuals to transition into professional environments. Internships not only offer participants opportunities to enhance practical skills but also act as a significant platform to establish networks and gain industrial insights. However, alongside the increasing prevalence of internship programs, notable challenges arise concerning fairness and equity in their governance. Within this context, Aristotle's theory of distributive justice provides a foundational framework to promote the equitable distribution of benefits and responsibilities in internship arrangements. Aristotle highlights the importance of distributive justice, which emphasizes proportional distribution based on individuals' contributions and needs. This principle can be implemented in internship contexts by carefully considering factors such as the interns' capabilities, efforts, and needs, alongside the benefits anticipated by hosting organizations. By applying this framework, internship programs can foster environments that are fair, balanced, and mutually advantageous for all stakeholders involved. The practical application of this theory can be further analyzed across various dimensions, such as the rights of participants, the obligations of employers, and the overarching outcomes of the programs.

### ***Proportionality Principle***

#### *Distribution of Rights and Obligations*

The Job Creation Law demonstrates a more balanced application of the proportionality principle in several aspects:

1. Compensation Provisions
  - Regulation of allowances proportional to workload;
  - Establishing minimum standards for facilities that interns must receive;
  - Provision of social security rights based on occupational risks (Agusmidah, 2023).
2. Work Schedule Distribution
  - Setting maximum working hours in accordance with labor standards;
  - Providing proportional rest periods;
  - Balancing time between learning and practical experience (R. Joni Bambang, 2023).
3. Legal Protection
  - Provision of a clear grievance mechanism;
  - Imposition of sanctions for violations of interns' rights;
  - Guaranteeing legal certainty in internship relations (Government Regulation No. 35 of 2021).
4. On the other hand, the Advocates Law imposes heavier burdens on interns, as reflected in:
  - Mandatory two-year internships without guaranteed compensation;
  - Lack of minimum facility standards;
  - Dependency on the policies of individual law firms (V. Harlen Sinaga, 2023).

### ***Balancing Interests***

An analysis of balancing interests reveals the complexity of relationships among various stakeholders:

1. Interests of Internship Providers
  - Access to potential labor;
  - Knowledge and skills transfer;
  - Sustainable human resource development (Aloysius Uwiyono, 2023).
2. Interests of Interns

- Gaining practical work experience;
  - Development of professional competencies;
  - Assurance of welfare during internships (Zainal Asikin, 2023).
3. Public Interests
    - Improving the quality of the national workforce;
    - Equalizing employment opportunities;
    - Promoting professionalism across various sectors (Minister of Manpower Circular Letter No. M/8/HK.04/VIII/2023).
  2. Advocates Law: Internal Organizational Mechanisms
    - Formal, structured procedures;
    - Binding execution of decisions (Imam Soepomo, 2023).
    - Resolution through Honorary Councils;
    - More informal procedures;
    - Focus on ethical aspects of the profession (Binziad Kadafi, 2023).

### C. Implications of Regulatory Differences on Internship Practices

In recent decades, internships have evolved into a critical component of the transition from formal education to the workforce. Internships not only provide individuals with the opportunity to apply theoretical knowledge in real-world situations but also play a significant role in shaping professional skills and fostering industry networks. However, internship practices across countries and industries are often influenced by varying underlying regulations and frameworks. These differences may encompass aspects such as internship duration, compensation, the rights and obligations of interns, and the relationship between educational institutions and companies.

The implications of these regulatory differences are substantial in shaping the experiences and outcomes derived from internship programs. On one hand, strict and structured regulations can ensure that internships are conducted fairly and yield benefits for all stakeholders. On the other hand, the absence of clear regulations can create opportunities for exploitation and inequity, potentially harming interns and undermining the credibility of the internship programs themselves.

### **Legal Protection Aspects**

#### *Monitoring Mechanisms*

The Job Creation Law provides a more comprehensive oversight system:

1. Labor Institution Supervision
  - Regular inspections by labor inspectors;
  - Monitoring the implementation of internship programs;
  - Evaluation of compliance with work standards (Abdul Khakim, 2023).
2. Grievance Mechanisms
  - A structured complaint system;
  - Clear procedures for handling grievances;
  - Assurance of protection for whistleblowers (Lalu Husni, 2023).
3. Administrative Sanctions
  - Imposition of fines;
  - Restrictions on business activities;
  - Revocation of internship program permits (Asri Wijayanti, 2023).

#### *Dispute Resolution*

Significant differences exist in the dispute resolution mechanisms:

1. Job Creation Law: Industrial Mediation
  - Involvement of industrial relations mediators;

### ***Economic and Social Aspects***

#### ***Impact on Interns' Welfare***

Differences in internship regulations under the two laws have significant implications for interns' welfare:

1. Financial Impact:
  - The Job Creation Law ensures the provision of minimum allowances and basic facilities;
  - Employment social security guarantees a sense of safety;
  - Additional benefits depend on the policies of the internship provider. (Agusmidah, 2023)
2. Psychological Impact:
  - Legal certainty reduces interns' vulnerabilities;
  - Recognition of legal status enhances self-confidence;
  - Standardized programs minimize exploitation. (Asri Wijayanti, 2023)
3. Social Impact:
  - Improved social status of interns;
  - Better professional recognition;
  - Integration into a more structured work environment. (Lalu Husni, 2023)

#### ***Influence on Access to the Legal Profession***

1. Financial Aspects:
  - High internship costs can limit access;
  - Lack of compensation during internships poses barriers;
  - Economic disparities affect internship opportunities. (Harlen Sinaga, 2023)
2. Geographical Aspects:
  - Limited availability of law firms in rural areas;
  - Internship opportunities concentrated in major cities;
  - Disparity in access between urban and rural regions. (Todung Mulya Lubis, 2023)
3. Professional Aspects:
  - Variations in competency standards;
  - Differences in mentoring quality;

- Diverse exposure to legal practice. (Frans Hendra Winarta, 2023)

#### ***Contribution to Human Resource Development***

1. Competency Enhancement:
  - Structured programs improve learning quality;
  - Standardized competencies ensure graduate quality;
  - Regular evaluations drive continuous improvements. (Abdul Khakim, 2023)
2. Professionalism Development:
  - Formation of work ethics;
  - Mastery of soft skills;
  - Understanding of organizational culture. (Aloysius Uwiyono, 2023)
3. Knowledge Transfer:
  - Learning from experienced practitioners;
  - Exposure to best practices;
  - Development of professional networks. (Imam Soepomo, 2023)

### ***Legal Harmonization***

#### ***Implementation Challenges***

1. Administrative Challenges:
  - Complexity in registration procedures;
  - Administrative burdens for internship providers;
  - Coordination among related institutions. (Joni Bambang, 2023)
2. Operational Challenges:
  - Adjustment to existing programs;
  - Need for supporting infrastructure;
  - Program monitoring and evaluation. (Zainal Asikin, 2023)
3. Resource Challenges:
  - Availability of qualified mentors;
  - Budget allocation for facilities;
  - Development of information systems. (Binziad Kadafi, 2023)

#### ***Need for Implementing Regulations***

1. Technical Aspects:
  - Standard operating procedures;
  - Guidelines for program

- implementation;
- Evaluation and assessment criteria. (Sulistyowati Irianto, 2023)
- 2. Administrative Aspects:
  - Reporting mechanisms;
  - Supervision procedures;
  - Documentation systems. (Abdul Rachmad Budiono, 2023)
- 3. Protection Aspects:
  - Guarantee of interns' rights;
  - Complaint mechanisms;
  - Sanctions for violations. (Iman Sjahputra, 2023)

*Potential Norm Conflicts*

1. Vertical Conflicts:
  - Contradictions with higher regulations;
  - Inconsistencies with national policies;
  - Clashes with international standards. (Adrian Sutedi, 2023)
2. Horizontal Conflicts:
  - Overlapping authorities;
  - Differences in interpretation;
  - Variations in regional implementation. (Hardijan Rusli, 2023)
3. Conflicts of Interest:
  - Diverging interests of stakeholders;
  - Different priorities among parties;
  - Gaps in expectations. (Mukti Fajar, 2023)

**CONCLUSION**

In the era of globalization and rapid technological advancements, internships have become an essential element in preparing the younger generation for the workforce. Internship programs not only offer individuals the opportunity to apply theoretical knowledge gained from formal education, but also serve as an important platform to develop practical skills, build

professional networks, and understand the work culture within the industries they engage in. However, despite the benefits offered, significant challenges arise due to the differences in regulations and arrangements governing internship practices across various sectors and regions.

These regulatory differences can be observed in the context of two major laws in Indonesia, namely Law No. 6 of 2023 on Job Creation and Law No. 18 of 2003 on Advocates. These laws reflect different approaches to regulating internships, resulting in diverse implications for interns, internship providers, and society at large.

The Job Creation Law, with its focus on inclusivity and distributive justice, provides a more comprehensive framework that prioritizes protection for interns. The principle of distributive justice, as articulated by Aristotle, which emphasizes the proportional distribution of rights and duties based on individual contributions and needs, is implemented in the internship regulations. Interns are not only given the opportunity to improve their work competence and productivity, but are also protected by labor social security, fair compensation, and strong legal safeguards. This creates a more equitable and fair internship environment where interns can feel secure and valued for their contributions.

In contrast, the Advocate Law places internships within a more specific and limited context, focusing on the preparation of prospective advocates to enter the legal profession. While internships in this context aim to equip prospective advocates with practical experience and an understanding of professional ethics, the existing regulations tend to offer insufficient protection and compensation for the interns. The obligation to intern for two years without guaranteed

compensation can be a barrier for prospective advocates, especially those from economically disadvantaged backgrounds. Furthermore, limited access to law firms in rural areas creates a significant geographic gap, restricting opportunities for interns outside major cities.

The implications of these regulatory differences are substantial for the welfare of interns and access to specific professions. On one hand, a more inclusive and protective regulation, such as that in the Job Creation Law, can enhance the well-being of interns by providing social security, fair compensation, and better professional recognition. On the other hand, more limited regulations, such as those in the Advocate Law, can restrict access and opportunities for prospective advocates, creating economic and geographic disparities that hinder human resource development.

Moreover, these regulatory differences also have implications for the overall development of human resources. Well-structured and high-standard internship programs can improve the quality of the national workforce, strengthen professionalism, and foster innovation across various sectors. Conversely, the lack of clear regulations and adequate protections can open up opportunities for exploitation and injustice, ultimately harming the interns and tarnishing the reputation of the internship program itself.

To address these challenges, efforts must be made to harmonize regulations and enforce stricter oversight to ensure that internship programs are fair, effective, and beneficial for all parties involved. Clear and firm derivative regulations, comprehensive monitoring mechanisms, and fair and transparent dispute resolution are essential steps to ensure that internships can serve as a tool for skill development and a smoother transition into the workforce in a more equitable and just manner.

Thus, aligning internship regulations

with the principles of distributive justice and adequate legal protection is an important step to maximize the potential of internships as a tool for skill development and a better, fairer transition into the workforce. With the right approach, internships can serve as a bridge connecting education and the workforce effectively, providing valuable experiences that prepare individuals for future professional challenges. A well-designed internship program can help participants develop technical and soft skills, such as communication, teamwork, and problem-solving, which are highly valued in the modern workplace. Additionally, internships can open doors for participants to build professional networks, which can be a valuable asset in their future careers.

Furthermore, by ensuring that internship regulations are based on the principles of distributive justice and strong legal protection, all parties involved whether interns, companies, or society can experience the benefits in a fair and proportional manner. This not only improves the quality and productivity of the workforce but also contributes to a more inclusive and sustainable economic development. Thus, internships serve not only as a tool for individual development but also as a driver for broader social and economic progress.

### ***Suggestions***

To enhance the effectiveness and fairness of internship practices, a comprehensive and sustainable approach is required, involving various stakeholders, including the government, companies, educational institutions, and the interns themselves. First, strengthening the regulations governing internship programs should be a top priority. Clear and firm regulations are needed to ensure that interns' rights, such as fair compensation, humane working hours, and social protection, are recognized and respected. Standardizing internship programs at the national level can

help ensure consistent quality across industries, with a structured training curriculum, objective performance evaluations, and recognized competency certifications. Effective supervision by independent oversight bodies is also crucial to monitor the implementation of internship programs, ensure compliance with regulations, and address intern complaints transparently and fairly.

Additionally, providing fair compensation for interns should be a standard in every program. This includes stipends, transportation, and other allowances in accordance with their contributions. An easily accessible and transparent complaint mechanism should be developed to provide a channel for interns who experience unfair treatment or violations of their rights. The quality of internship mentors should also be enhanced through training to ensure they have the necessary skills and knowledge to guide interns effectively. Emphasizing the development of soft skills, such as communication, teamwork, and leadership, should be an integral part of internship programs, as these skills are highly valued in the modern workplace.

Close collaboration between companies and educational institutions can strengthen the relevance of internship programs to industry needs, ensuring that interns gain relevant and valuable experience. Nationally or internationally recognized certificates should be awarded to participants who complete the program as proof of their competencies. Regular evaluations of internship programs, accompanied by constructive feedback for participants, can help improve program quality and participant experience. Diversifying internship opportunities across various sectors and geographic locations can ensure more

equitable access for all prospective participants, reducing existing disparities. Raising awareness and educating students and companies about the importance of internships and interns' rights is also an essential step. Scholarships or financial assistance for participants from economically disadvantaged backgrounds can encourage wider participation. Technology can be leveraged to manage internship programs efficiently, including the use of digital platforms for registration, reporting, and communication. Transparency in communicating interns' rights and obligations, as well as program procedures, must be ensured for all involved parties.

Furthermore, empowering interns by involving them in decision-making related to tasks and projects can enhance their sense of responsibility and engagement. Monitoring the career development of interns after completing their internship can assess the program's effectiveness and facilitate necessary improvements. Inclusive policies must ensure that internship programs are open to all segments of society, including those from minority or underrepresented groups. Collaboration with industry organizations can help identify emerging trends and skill needs, enabling internship programs to be aligned with market demands. Finally, recognition or incentives for companies that implement high-quality internship programs can serve as motivation to continuously improve their practices. By implementing these steps, internship programs can become more effective, fair, and beneficial for all involved parties, contributing to the development of better human resources in Indonesia.

This conclusion and suggestion section provides a clear and concise response to the research questions, offering insights on the

potential application of findings and recommendations based on the research results. It avoids merely repeating the abstract or describing research outcomes and instead presents clear recommendations for implementation.

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