

Examining the Legality of Adultery Restrictions for Laborers: A Study in Employment Law

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Abstract

The research aims to analyze and propose recommendations concerning regulations prohibiting acts of infidelity committed by workers/laborers from the perspective of labor law. Unlike labor laws and regulations, which do not specifically address the prohibition of acts of infidelity, autonomous rules can address such provisions. This study employs a normative legal research methodology, utilizing both statutory and conceptual approaches. Primary and secondary legal materials serve as the basis for analysis. Findings indicate that provisions prohibiting acts of infidelity for workers/laborers can be integrated into autonomous principles without contravening existing laws and regulations. Furthermore, acts of infidelity may also fall under the purview of urgent offenses or criminal acts. The inclusion of such prohibitions in autonomous rules is not indicative of bad faith on the part of employers seeking to expedite termination of employment relations. Rather, it serves as a preventive measure against violations of laws, regulations, and ethical standards by workers/laborers. Regarding dispute resolution, termination of employment cannot be immediate in cases related to allegations of infidelity. Instead, due process must be followed to ascertain the veracity of such accusations and determine the culpability of the worker/laborer involved.

1. Introduction

In labor law, there are two principles known as autonomous rules and heteronomous rules. Autonomous rules are regulations established by workers/laborers, employers, or jointly by workers/laborers and employers, including employment agreements, company regulations, and collective labor agreements.¹ On the other hand, heteronomous rules are regulations established by the government. Initially, workers/laborers and employers are bound by an employment agreement which then gives rise to a legal relationship, namely the employment relationship. Autonomous rules established contain provisions regarding job requirements, rights, and obligations of the parties, and the applicable regulations within the company. One provision regulated in autonomous rules pertains to the prohibition for workers/laborers to engage in adultery, both within the scope of the company and outside the company.

The term "*perselingkuhan*" (adultery) is not found in the prevailing legislation in Indonesia. However, in the Indonesian Criminal Code (KUHP), it is known as "*gendak*" (overspel) or adultery as regulated in Article 284 paragraph (1), which constitutes a criminal offense. Therefore, to avoid confusion for readers, the researcher adopts the term "*perselingkuhan*" or adultery, which incorporates the elements of "*gendak*" (overspel) or adultery in criminal law. "*Perselingkuhan*" (adultery) originates from the word "*selingkuh*," which means

¹ Iman Soepomo, *Pengantar Hukum Perburuhan* (Djambatan, 1987).

concealing something for one's interests, being deceitful, and lacking honesty.² In the context of marriage, "*selingkuh*" (adultery) is synonymous with the act of one spouse engaging in misconduct that violates the vows of marriage.³ According to Blow and Harnett, adultery is the sexual or emotional involvement undertaken by one or both individuals bound in a committed relationship and is considered to violate the trust or norms (visible or invisible) related to emotional or sexual exclusivity.⁴

The provisions regarding the obligation for workers/laborers not to engage in adultery as regulated in autonomous rules can be seen in the final and legally binding court decisions, as follows:

1. Rules and Company Regulations numbers 3-4, stating "Serious violations include engaging in indecent acts, immorality, adultery, and actions that violate decency as regulations within the employment relationship" (highlighted by the researcher) (See: Decision of the Industrial Relations Court at the Semarang District Court Number: 23/Pdt.Sus-PHI/G/2016/PN Smg jo. Decision of the Supreme Court Number: 19 K/Pdt.Sus-PHI/2017);
2. Company Regulation Article 50 letter f regarding Serious Violations, stating "engaging in adultery with a coworker is considered a serious violation" (highlighted by the researcher) (See: Decision of the Industrial Relations Court at the Bandung District Court Number: 157/Pdt.Sus-PHI/2015/PN Bdg jo. Decision of the Supreme Court Number: 276 K/Pdt.Sus-PHI/2016).

Referring to the examples of autonomous rules used as evidence in the aforementioned decisions, the act of adultery committed by workers/laborers is considered a serious violation. This constitutes a violation committed by workers/laborers, indicating criminal conduct both within and outside the company.⁵

In Article 52 paragraph (2) of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods, and Termination of Employment, the term "serious violation" is changed to "urgent violation," which essentially carries the same meaning, categorizing actions indicating criminal conduct by workers/laborers. For example, Article 52 paragraph (2) letter d of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Periods, and Termination of Employment, states "engaging in immoral acts or gambling in the workplace." In relation to the context of adultery committed by workers/laborers, immoral acts are not synonymous and differ from adultery.

According to R. Soesilo's commentary on decency, decency is linked to propriety, a sense of shame related to sexual desires, such as intercourse, touching a woman's breasts, touching

² Badan Pengembangan dan Pembinaan Bahasa, "Kamus Besar Bahasa Indonesia VI Daring," Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia, 2016, <https://kbbi.kemdikbud.go.id/entri/selingkuh>.

³ Nafiatul Munawaroh, "Kepergok Selingkuh, Bisakah Dipidana?," *hukumonline*, 2023, <https://www.hukumonline.com/klinik/a/kepergok-selingkuh-bisakah-dipidana-cl34>.

⁴ Kumla Muhajarah, "Perselingkuhan Suami Terhadap Istri Dan Upaya Penanganannya," *Sawwa* 12, no. 1 (2016): 23-40.

⁵ M. Lutfi Rizal Farid, "Analisis Yuridis Tentang Alasan Pemutusan Hubungan Kerja Karena Kesalahan Berat," *Novum* 8, no. 3 (2021).

genital areas, exposing genitalia, kissing,⁶ Meanwhile, adultery or what R. Soesilo refers to as adultery is sexual intercourse committed by a married man or woman with someone other than their spouse.⁷ Thus, the act of adultery committed by workers/laborers, whether inside or outside the company premises, does not fall into the category of immoral acts. Therefore, it becomes a legal issue regarding the legal consequences that can be imposed on workers/laborers who commit adultery. This is because there are no labor regulations prohibiting adultery committed by workers/laborers.

Adultery can have detrimental effects on the integrity of the marital framework, even if it does not involve sexual relations.⁸ In addition to the negative impact on the family, adultery committed by workers/laborers can also affect the employment relationship. This is because adultery issues exposed on social media can also harm the reputation of the company,⁹ If adultery occurs outside the company, while adultery between colleagues within the company, according to J. Jones in Ahmad Sidik, workplace adultery poses a risk of disrupting one's performance and career productivity within the company.¹⁰ To demonstrate originality in this research, several previous research findings are explained as follows: firstly, "Termination of Employment Due to Adultery Among Colleagues" conducted by Weny Putri Amelia. Its similarity lies in the discussion of adultery in labor law; however, the difference with this research is the utilization of legal theories or principles in labor law to elucidate the legal consequences for workers who commit adultery, whereas the aforementioned research discusses legal protection for workers who engage in adultery.¹¹

Secondly, "Implementation of Termination of Employment for Workers Subject to Unilateral Termination of Employment Due to Serious Errors Based on Constitutional Court Decision No. 012/PUU-I/2003" researched by Emilya Costa Yolanda R and Gunardi. The similarity with this research lies in the context of serious errors or urgent violations related to criminal offenses committed by workers, while the difference with this research is the focus on the study of adultery by workers based on the context of labor law.¹² *Thirdly*, "Punishment for Adultery Offenders" researched by Dea Justicia Ardha et al. The similarity lies in discussing the topic of adultery, while the difference relates to the legal perspective used. In this research, a labor law perspective is employed, focusing on the concept of employment

⁶ R. Soesilo, *KUHP Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal* (Bogor: Politea, 1995).

⁷ R. Soesilo.

⁸ Mhd Suheri and Irwan, "Memviralkan Kasus Perselingkuhan Dalam Rumah Tangga Di Media Sosial Tiktok Dalam Perspektif Hukum Islam," *Jurnal Riset Tindakan Indonesia* 8, no. 3 (2023): 292-301.

⁹ Shofiyatul Millah, "Citilink Larang Pilot Dan Pramugari Selingkuh Terbang, Kisah Cinta Terlarang Yang Terbongkar Di Media Sosial," *jurnalfaktual.id*, 2024, <https://jurnalfaktual.id/rupe-rupe/citilink-larang-pilot-dan-pramugari-selingkuh-terbang-kisah-cinta-terlarang-yang-terbongkar-di-media-sosial/>.

¹⁰ Ahmad Sidik, "Psikologi Perselingkuhan: Asmara Di Atas Meja Kerja," *Kumparan*, 2023, <https://kumparan.com/sidika50068/psikologi-perselingkuhan-asmara-di-atas-meja-kerja-21hg2tFRMeG/full>.

¹¹ Weny Putri Amelia, "Pemutusan Hubungan Kerja Akibat Tindakan Perselingkuhan Antar Pekerja Sekantor" (Universitas Pembangunan Nasional Jakarta, 2021).

¹² Emilya Costa Yolanda R and Gunardi, "Pelaksanaan Pemutusan Hubungan Kerja Terhadap Pekerja Yang Terkena Pemutusan Hubungan Kerja Sepihak Karena Kesalahan Berat Berdasarkan Putusan Mk No. 012/Puu-I/2003," *Jurnal Hukum Adigama* 4, no. 2 (2021): 4682-4702.

relationships regarding adultery committed by workers.¹³ Based on the explanations above, an interesting legal issue is found to be explored and researched thoroughly in this study, which is whether the prohibition of adultery among workers/laborers can be justified from the perspective of labor law.

2. Methods

The relevant and suitable research method to be used in this study is legal research, which is a process of discovering coherence truth based on legal rules, doctrines, and principles.¹⁴ The problem-solving approach applied in this research is statute approach and conceptual approach.¹⁵ Meanwhile, the legal sources used are primary legal sources and secondary legal sources.¹⁶ After collecting legal materials, the next step is to conduct a literature review to find answers to the issues in this research.¹⁷

3. Results and Discussion

3.1. Adultery in the Perspective of Labor Law

The scope of the legal domain governing the relationship between workers and employers falls within the realm of labor law. To understand the limitations within labor law, it is essential to first elucidate the viewpoints of legal scholars regarding labor law. According to Guss Heerma van Voss, labor law, or employment law, is a component of law concerning the regulation of labor relations, whether individual or collective.¹⁸ A.N. Molenaar refers to it as labor law, which is a part of applicable law that governs the relationship between workers with workers, workers with employers, workers with owners, and owners with owners.¹⁹ According to Iman Soepomo, labor law is a set of regulations, both written and unwritten, related to an event where someone works for another person in exchange for wages.²⁰ Abdullah Sulaiman provides an opinion on the understanding of labor law, which is the provisions of legislation that regulate the employment relationship between employers and employees, giving rise to a legal relationship involving receiving income, wages, and welfare benefits.²¹ Mr. S. Mok argues that labor law is the law related to employment carried out under the direction of others and with livelihoods dependent on that employment.²² Based on the opinions of legal scholars regarding the understanding of labor law or employment law mentioned above, in this context, the researcher utilizes the term "labor law," which is the law governing the legal relationship between labor and employers before, during, and after the termination of employment. The use of the term "labor law" in this study does not diminish the essence of the concept of labor law; rather, it aims to align with the terminology used in

¹³ Dea Justicia Ardha et al., "Pemidanaan Terhadap Pelaku Zina," *Suluh Abdi* 4, no. 2 (2022): 78–85.

¹⁴ Peter Mahmud Marzuki, *Penelitian Hukum*, 15th ed. (Jakarta: KENCANA, 2021).

¹⁵ Mahmud Marzuki.

¹⁶ Mahmud Marzuki.

¹⁷ Moch. Choirul Rizal et al., *Ragam Metode Penelitian Hukum* (Kediri: Lembaga Studi Hukum Pidana, 2022), <https://repositori.lshp.or.id/index.php/buku/article/view/45/65>.

¹⁸ Guus Heerma Van Voss and Surya Tjandra, *Bab-Bab Tentang Hukum Perburuhan Di Indonesia*, Pertama (Bali: Pustaka Larasan, 2012).

¹⁹ Abdullah Sulaiman and Andi Walli, *Hukum Ketenagakerjaan/Perburuhan*, Pertama (Jakarta Timur: Yayasan Pendidikan dan Pengembangan Sumber Daya Manusia, 2019).

²⁰ Iman Soepomo, *Pengantar Hukum Perburuhan*.

²¹ Sulaiman and Walli, *Hukum Ketenagakerjaan/Perburuhan*.

²² Ida Hanifah, *Hukum Ketenagakerjaan Di Indonesia* (Medan: CV. Pustaka Prima, 2020).

Indonesian legislation, namely "*ketenagakerjaan*" (labor). In the current laws and regulations in Indonesia, it is not referred to as labor. In addition, the context of labor law regulations regulates the rights and obligations of parties in employment relations, work agreements, company regulations, collective work agreements, industrial relations disputes, and occupational safety and health, so that the use of labor terminology does not create any ambiguity in interpreting the meaning of employment. Researchers consistently call it employment law.

Furthermore, labor law inherently possesses two characteristics: it is private (civil) in nature and can also be public.²³ The private realm in labor law pertains to the relationship between workers, labor unions, and employers or employer associations framed within the employment relationship.²⁴ These provisions are contained in one or all of the various types of autonomous rules, including employment agreements, collective labor agreements, or company regulations. In principle, the creation of autonomous rules allows for deviations from prevailing legislation, provided that such deviations do not contradict the prevailing legislation.²⁵ Meanwhile, the public nature of labor law arises from the involvement of the government in addressing labor issues,²⁶ Namely, by creating binding regulations for workers/laborers and employers, fostering and overseeing the industrial relations process.²⁷ Additionally, there are aspects of administrative law and criminal law within labor law.²⁸

The prohibition of adultery falls under personal matters or outside the employment relationship between workers/laborers and employers. However, labor legislation also regulates personal conduct of a worker that may result in criminal sanctions and sanctions within the realm of labor law, such as issuing warnings or even termination of employment (dismissal). Furthermore, the inclusion of the prohibition of adultery in autonomous rules is valid and not a clause that violates the law between workers/laborers and employers. The theoretical statement presented is based on two factors: autonomous rules must not contradict prevailing legislation and urgent violations. Thus, the concept of the public nature of labor law can serve as a basis for the establishment of prohibitions against adultery for workers/laborers.

The basis for these two theoretical statements are as follows: Firstly, labor legislation governing autonomous rules stipulates that autonomous rules must not contradict prevailing legislation, as follows:

- Article 54 paragraph (2) of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which states: "(2) Provisions in employment agreements as referred to in paragraph (1) letters e and f, must not contradict company regulations, collective labor agreements, and prevailing legislation." (underline added by the researcher);

²³ Iman Soepomo, *Pengantar Hukum Perburuhan*.

²⁴ Abdul Khakim, *Pengantar Hukum Ketenagakerjaan Indonesia Berdasarkan Undang-Undang Nomor 13 Tahun 2003*, 2nd ed. (Bandung: PT. Citra Aditya Bakti, 2007).

²⁵ Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi*, 8th ed. (Jakarta: Sinar Grafika, 2018).

²⁶ Lalu Husni, *Pengantar Hukum Ketenagakerjaan* (Depok: PT. RajaGrafindo Persada, 2014).

²⁷ Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi*.

²⁸ Khakim, *Pengantar Hukum Ketenagakerjaan Indonesia Berdasarkan Undang-Undang Nomor 13 Tahun 2003*.

- Article 111 paragraph (2) of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which states: "Provisions in company regulations must not contradict prevailing legislation." (underline added by the researcher);
- Article 124 paragraph (2) of Law Number 13 of 2003 concerning Manpower as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, which states: "Provisions in collective labor agreements must not contradict prevailing legislation." (underline added by the researcher).

Based on the provisions of the aforementioned articles and in connection with the clause prohibiting adultery for workers/laborers in autonomous rules, no prohibition is found against creating such a clause. Therefore, the validity of the content within autonomous rules regarding the prohibition of adultery for workers/laborers does not contravene prevailing legislation.

Secondly, adultery committed by workers/laborers falls under the category of urgent violations. In Article 52 paragraph (2) of Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Agreements, Outsourcing, Working Hours, Rest Periods, and Termination of Employment, there is no regulation regarding the prohibition of adultery committed by workers/laborers. However, actions related to criminal offenses are regulated under Article 284 paragraph (1) and (2) of (KUHP) which regulates the offense of adultery or in this study referred to as adultery, which states: "(1) A maximum imprisonment of nine months is imposed on: 1. a. a married man committing adultery, even though he knows that Article 27 of the Civil Code applies to him, b. a married woman committing adultery, even though she knows that Article 27 of the Civil Code applies to her, 2. a. a man who participates in the act, knowing that the accomplice is married; b. a married person who participates in the act, knowing that the accomplice is married and Article 27 applies to him/her. (2) Prosecution shall only be initiated upon the complaint of the aggrieved husband/ wife, and if Article 27 of the Civil Code applies, within a period of three months followed by a request for divorce or separation of bed and board for that reason as well".

The criminal offense of adultery regulated in Article 284 paragraph (1) and paragraph (2) of KUHP constitutes an absolute complaint crime (*absolute klacht delicten*), meaning it is a criminal offense that requires a complaint to be filed, and only the aggrieved husband or wife can file such complaint. Thus, the provisions of Article 284 paragraph (1) and paragraph (2) of KUHP and the prohibition of adultery for workers/laborers can be proven to be part of the public law nature of labor law, which involves the presence of criminal law within labor law, ensuring that clauses agreed upon by parties in employment relationships do not conflict or violate existing laws and regulations. The context of criminal law referred to here does not pertain to labor crimes, such as union busting or providing wages below the regional minimum wage (UMK/UMP), but rather focuses on the actions of individuals, namely workers/laborers suspected of committing the criminal act of adultery.

3.2. The Prohibition of Adultery for Workers/Laborers is not intended as a Clause of Bad Faith in The Employment Relationship

The definition of an industrial relations dispute is elaborated in Article 1, point 1 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, which states: "An industrial relations dispute is a difference of opinion resulting in a conflict between an employer or association of employers and workers/laborers or labor unions because of disputes regarding rights, interest disputes, termination of employment disputes, and disputes between labor unions in one company." Industrial relations disputes that are included and closely related to the prohibition of adultery for workers/laborers are termination of employment disputes, which are disputes arising due to the lack of consensus regarding the termination of employment by one party.

The occurrence of termination of employment (PHK) marks the beginning of the hardships faced by workers/laborers in providing for themselves or their families due to the loss of livelihood. The causes of termination of employment consist of four factors: firstly, termination by the employer, such as instances of misconduct by the workers/laborers or company closure; secondly, termination by the workers/laborers, such as resigning;²⁹ Thirdly, termination by operation of law, such as the end of employment due to the death of the worker/laborer; and fourthly, termination by court order, such as in cases of company ownership transfer.³⁰ In the context of sanctions resulting from the prohibition of adultery specified in autonomous regulations, the penalties that workers/laborers may face include: receiving a warning letter, termination by the employer, or termination by court order. These three sanctions are applicable according to the provisions outlined in the autonomous regulations between the workers/laborers and the employer.

In this research, adultery is referred to as a serious violation categorized as a criminal offense. In practice, the resolution process of industrial relations disputes related to serious violations can proceed through 4 (four) stages, including negotiation between workers/laborers and employers (bipartite), involvement of a third party as a mediator between workers/laborers and employers (tripartite), the first instance in the industrial relations court, and cassation as the final stage in the Supreme Court. Initially, serious violations were known as grave offenses. The provisions are regulated in Article 158 of Law Number 13 of 2003 concerning Manpower, followed by a constitutional review of the law against the 1945 Constitution of the Republic of Indonesia in the Constitutional Court under case number 012/PUU-I/2003. Based on those rulings to provide legal certainty regarding the settlement of industrial relations disputes related to serious violations, the Minister of Manpower (formerly known as the Minister of Manpower and Transmigration) issued Circular Letter number SE-13/MEN/SJ-HK/I/2005 stating that termination of employment due to grave misconduct can be carried out after there is a final and binding criminal court decision. Meanwhile, the Supreme Court issued Circular Letter number 03 of 2015 regarding

²⁹ Budi Santoso, "Pengaturan Pemutusan Hubungan Kerja Dalam Perspektif Kepentingan Ekonomi Dan Hak Asasi Manusia," *Jurnal Media Hukum* 24, no. 2 (2017): 115-23, <https://doi.org/10.18196/jmh.2017.0087.115-123>.

³⁰ Berliana Destrie Aisha, "Pemutusan Hubungan Kerja Yang Didasarkan Pada Pelanggaran Kerja Bersama," *Jurist-Diction* 2, no. 1 (2019): 63-76.

the Implementation Guidelines for Courts, stating that termination of employment due to grave misconduct can be conducted without waiting for a final and binding criminal court decision. Both provisions remain in effect to this day, and there are also various legal considerations found in interpreting the termination of employment for serious violations.

According to the researcher, the termination process categorized as urgent misconduct can be pursued through the criminal justice process first, because whether someone is guilty or not due to the criminal act committed is the authority of the criminal judge to decide. The process indeed may be lengthy and complex regarding termination due to urgent misconduct, but the effort is made to provide legal certainty in accordance with Article 28D paragraph (1) of the 1945 Constitution, which states, "Everyone has the right to recognition, guarantees, protection, and fair legal certainty as well as equal treatment before the law." Furthermore, if the process is not pursued with a final and binding criminal court decision, it may actually disadvantage the worker because they cannot prove the allegations of the criminal act.

The primary goal of labor law is to protect workers because of their unequal bargaining power compared to employers, thus ensuring social justice.³¹ The clauses are not created as tools to facilitate the termination of employment but as a basis to ensure that workers do not violate applicable laws and act in a manner consistent with morality. According to Budi Santoso, workers should be treated as human beings with humane methods. Although employers have the right to carry out terminations, this right is limited by the obligation of fairness. Employers cannot terminate employment arbitrarily.³² Therefore, the process of proving adultery, categorized as a serious offense, must be established first through criminal proceedings. The provisions prohibiting infidelity are not aimed at weakening or even violating human rights, the right to privacy or freedom of expression, but rather as an effort to emphasize to workers/laborers the existence of criminal sanctions for someone suspected of committing the crime of infidelity. Of course, the accusations made refer to evidence received by the company. Even if the act is committed by the worker/laborer outside the work environment, the company is obliged to provide the worker/laborer with an opportunity to prove the validity of the accusation and the company also does not have the right to impose sanctions on the worker/laborer without sufficient evidence.

The aim is to ensure and provide legal certainty for workers regarding allegations of adultery. Thus, the inclusion of adultery clauses in autonomous regulations is not a clause of bad faith regarding the power held by employers as the strong party to act arbitrarily against the weak workers. Instead, there are still processes to prove and refute allegations against workers. Besides maintaining harmony in the employment relationship, the prohibition clause on adultery also preserves the harmony of workers' households and upholds the company's reputation in the public eye. Meanwhile, if workers admit to committing adultery, employers have the right to terminate employment without a court decision and are obliged to provide workers with normative rights according to applicable laws and regulations. In the context of urgent reasons, such as workers/laborers gambling outside the work environment. This also encroaches on the privacy rights of workers/laborers to do things that they think are free and

³¹ Budi Santoso, "Justifikasi Efisiensi Sebagai Alasan Pemutusan Hubungan Kerja," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 25, no. 3 (2014): 402, <https://doi.org/10.22146/jmh.16080>.

³² Santoso.

should not be taken away by company regulations. With actions that are categorized as urgent reasons, companies can carry out law enforcement in order to minimize workers/laborers from carrying out actions that give rise to legal sanctions, such as carrying out gambling activities. The role of the company in the presence of provisions prohibiting acts of infidelity is not as a monitor or supervisor for workers/laborers committing such acts but as an effort to enforce the prohibition on acts of infidelity which can give rise to criminal sanctions.

4. Conclusions

The provision prohibiting extramarital affairs in autonomous clauses is permissible and justifiable. This provision does not violate applicable laws and provides legal certainty to companies implementing such provisions in autonomous clauses. Extramarital affairs are categorized as urgent violations because they entail criminal sanctions. However, this clause is not an easy way for employers to terminate employment, but rather an effort to maintain harmony outside of the workplace and to prevent employees from engaging in the criminal act of adultery as stipulated in Article 284 paragraphs (1) and (2) of KUHP as well as to uphold the moral integrity of employees.

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