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Putra Hadi Negara

SOCIAL JUSTICE VALUE-BASED RECONSTRUCTION OF TKI (INDONESIAN MIGRANT WORKERS) PROTECTION IN MALAYSIA FROM INDONESIAN COSMOLOGY PERSPECTIVE

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A. Introduction

The discussion of the social justice value-based reconstruction becomes important in Indonesian context, since the protection of Indonesian migrant workers in Malaysia disables to create welfare, convenience, and fairness for the workers who work in Malaysia. Some indicators such as lack of protection towards 800,000 illegal migrant workers in Malaysia, 1,000 cases of workers fleeing the protection in Malaysia, 600 workers who experienced the death of the employment relationship in Malaysia (Suara Merdeka daily newspaper, 25 May, 2011). Although the law no. 39 year 2004 on the placement and protection of the migrant workers overseas was endorsed, it creates a pseudo-industrial peace because the government is not able to harmonize the industrial relations between the workers and users. Ideally, industrial relations abroad are able to create a real industrial peace. This will help the government reduce the high rates of unemployment, create increasingly widespread job creation, increase the ability of the workers, increase the workers' welfare, even increase the economic development of Indonesia.

The increasing number of the workers who flee from the employers and who died in labor relations in Malaysia are caused by the values that are implied in the law no. 29 year 2004 on the placement and protection of the migrant workers in foreign countries are western cosmology implying the values of the western capitalism, individual capitalism, which is really different from Indonesian cosmology which more focuses on spirituality, togetherness, and harmony.

Satjipto Rahardjo¹ states that a law of a nation is based on a basic premise implying a view on human and their society which is called law cosmology of the nation. Based on the opinion, it can be said that modern law which is applied in the world also has its own cosmology. This implies that modern law is not really neutral. The modern law which is implemented centuries in the western and European countries has a cosmology which is harmonized with the political and social

¹ Satjipto Rahardjo, Artikel Kompas, Senin 8 November 1993, hlm. 4.

conditions of the society of the western and European countries which are individualistic and capitalistic.

When modern law is implemented in all the world, it is also used in the nations which are culturally different from western countries. The Indonesian nation has its own culture and cosmology different from that of the western. Indonesian cosmology is more collective in nature, focuses on balance and harmony, negotiation, and proposes highly spiritual values. The Indonesian cosmology is manifested in Pancasila (Indonesian five principles) which is the basis of positive morality of Indonesian nation. In other words, Pancasila becomes the cultural base or we can call it Indonesian law cosmology which is reflected in the five principles of Pancasila.

The first principle is the spiritual foundation in Indonesian migrant workers' protection in Malaysia, the second principle is the humanity foundation of Indonesian migrant workers' protection in Malaysia, the third principle is the foundation of the cooperation of the migrant workers' employers and the government in protecting the migrant workers in Malaysia, the fourth principle is the foundation of the democracy in protecting the migrant workers in Malaysia, and the fifth is the foundation of the manifestation of the social justice in protecting the Indonesian migrant workers in Malaysia. The protection of the Indonesian migrant workers in Malaysia is the basic rights that must be protected and secured constitutionally as stated in UUD (Indonesian Constitution) Article 27 paragraph 2. According to the constitution, the workers must be given the widest opportunity or chances to obtain suitable employment status and dignity.

To protect the Indonesian migrant workers in Malaysia which can create industrial peace, it is necessary to dig up Indonesian values manifested in the five principles, Pancasila, especially the values of social justice. Based on the idea, the purpose of this paper is to analyze why the protection of Indonesian migrant workers (or TKI for short) in Malaysia has not been able to create harmonious industrial relations.

B. Discussion

1. The Urgency of Reconstructing the protection of TKI in Malaysia through Justice Value based Law.

Constructivists views that human is basically active in reconstructing and modifying concepts, model, reality including knowledge and truth from the law. In this context, the model of solving a problem is the result of their own perspective. The construction or formulation must be based on philosophical, sociological, and juridical aspects. The theory construction which will be formulated consists of 3 points which are related with the substance of the law, legal structure and legal culture as stated by Lawrence W. Friedman. From the law substance, the

management of TKI protection in Malaysia is set in the regulation no. 39 year 2004 on the Placement and Protection of TKI overseas, which has a lot of weaknesses which must be reconstructed.

Justice has a wide range of meaning and significance which can cause the diversity of the definitions as mentioned above. Actually, in legal science tradition, the meaning of social justice has been reflected in many ways², and the founding fathers of Indonesian Republic has views and ideals which can be universal, even though there are many people who define social justice as distributive justice. In fact, there are basic differences between social justice and distributive justice. The distributive justice is defined as justice in the distribution of the society wealth to the individuals and groups in the society can develop well. In the distributive justice, the stress towards individuals is very dominant, while in social justice, the individuals are placed in social and communal dimension. The basic problem in social justice is the distribution of the wealth and burden in the society, as stated by Brian Barry, that can be grouped into 3 categories namely (1) economy (finance); (2) politics (power); and social (status).³ Marxism views justice not from its distribution aspect but from its production one. The distribution still can be managed and improved (e.g progressive fiscal), but since production is still dominated by the have, there must be worker exploitation.

A relatively new idea on law and justice come from John Rawls stating that a society can be good if it is based on two principles namely fairness, which guarantees that all the members of any groups from different beliefs and values have freedom as expected. Fairness or propriety in Rawls' ideas is seen as the basis of mutual benefit. However, fairness does not mean simple reciprocity in which the distribution of wealth does not pay attention to the objective differences among the members of the society. Justice in fairness does not only give more chances to the talent persons or the persons who have better competence to use social benefits, but it is also to open an opportunity for those who are less fortunate. Viel ignorance only justifies social and economical inequality if it is seen in a long term, the inequality will benefit for the less fortunate.⁴ In this view, a neutral society, who does not prioritize a certain values and expectations rather than others in the society, is preferable.⁵ John Rawls' ideas concerning justice has been an interesting topic in the last three decades.⁶ The theory which brings him to be one of the most leading thinkers in philosophy is *A Theory of Justice*

² Mubyarto, *Sistem dan Moral Ekonomi Pancasila*, LP3ES, Jakarta, 1988.

³ Barry, *Theories of Justice*, Harvester-Wheatssheaf, London, 1989, Vol. 1, p. 146.

⁴ John Rawl, *A Theory of Justice*, (Cambridge: Harvard University Press, 1971), p. 11.

⁵ Frans J Rengka, "Dialog Hukum dan Keadilan dalam Proses Peradilan Pidana" (Studi tentang Putusan Peradilan Pidana dalam Kasus Tindak Pidana Politik Masa Orde Baru), (Dissertation of Law Science, Diponegoro University, Semarang, 2003), p. 17.

⁶ Frans Magnis Suseno, "Moralitas dan Nilai-Nilai Komunitas, Debat antara Komutarisme dan Universalisme Eties, *Majalah Filsafat Driyarkara*, Tahun XXI No. 2: 65, 1995.

(1971), followed by *Political Liberalism* (1993) and *Justice as Fairness* (2001). In his introduction in *A Theory of Justice*, he said that specifically, his theory is proposed to criticize the previous theories on justice which is substantially influenced either by *utilitarianism* or *intuitionism*. *Utilitarianism* has been the most dominant moral view in the period of modern moral philosophy.⁷

In general, *utilitarianism* teaches us that right or wrong rules of human action depends on a direct consequence of the rules or certain action performed. Therefore, the right or wrong of the human action, in moral perspective, depends on the bad or good consequence of the action towards human. Strictly speaking, if the consequence is good, the rules or human action is also good, or on the other way round, if the effect is bad, the rules or the human action is also bad.⁸

Rawls also criticizes intuitionism, since it does not give appropriate place for ratio or logic but it gives more attention to human intuition so that it is not appropriate to be the bases of making decision especially when a conflict happens in moral norms.⁹ Therefore, Rawls wants to propose a theory on justice which can uphold social justice and at the same time it can be objectively justified especially from democracy perspective. The theory of justice is considered proper if it is built with contract system, in which the principles of justice are chosen as the bases of negotiation of all participants who are free, rational, and equal, which is called by Rawls *Justice as Fairness*.

Therefore, Rawls emphasized the importance of seeing justice as a major virtue which must be adhered to, at once, become the basic spirit of the basic social institutions of a society.¹⁰ For a certain case, Rawls also supports formal justice due to his consistency in placing the constitution and laws as the bases of implementing individual rights and responsibilities in social interaction that can be the basis of the formal justice. Even in formal administration, it is still important due to its minimum guarantee that every person in the same case must be enforced equally.¹¹

Formal justice occupies an important position beside its consistency in the implementation of the law enforcement institutions, even though the legal regulations are considered of being not existent, its consistent implementation can help people to learn to protect themselves from bad effects caused by the unjust laws. Thus, formal justice can not support automatically the creation of good social governance. According to Rawls, a concept of justice will be effectively managed people if it can be publicly accepted, and formal justice tend

⁷ John Rawls, *Op-Cit.*, pp 11-12

⁸ Andre Ate Ujan, *Keadilan dan Demokrasi, Telaah Filsafat Politik John Rawls*, (Yogyakarta: Kanisius, 2001), p 21. See also Paul Edwards, (ad.) *The Encyclopedia of Philosophy*, vol 8, (New York : Crowell Collier and MacMillan Inc, 1967), p. 206.

⁹ *Ibid*

¹⁰ Andre Ata Ulan, *Op-Cit*, p. 23.

¹¹ *Ibid*, hlm. 27, John Rawl (1971), *Op.Cit*, p. 58.

to be imposed unilaterally by the ruling government. Therefore, a good theory of justice is a theory which emphasizes contract system which can give fair assurance to all parties.¹²

Law as a means of manifesting justice can be unjust when it is conflicting with social welfare (Thomas Aquinas). This may happen due to some reasons. **First**, the authority forces the law which can not bring social justice, but it is only from the authority itself. **Second**, since the law makers exceed their authority. **Third**, since law is forced towards people unequally, although it is for public welfare. Therefore, in order to create a just law, the law that comes from a sense of justice must be investigated. Social justice in the protection of migrant workers in Malaysia can not be achieved by individuals' justice behavior but by legal structure, legal culture, and legal substance containing justice values.

2. Justice Based Prismatic Law as the Framework of Reconstructing the Protection of TKI in Malaysia

Indetermining a decision to take an action, the role occupant should consider the matters raised by Talcott Parson. *"In his commitment to the development of concepts that reflected the properties of all action systems, Talcot Parsons¹³ was edging to a set of consepts denoting some of the variable properties of these system, the value patterns of culture, and the normative requirements in sosial system. The variables were phrased in terms of polar dichotomies, which depending upon the system under analysis, would allow for arough categorization of decisions by actors, the value orientations, or the normative demands on status roles"*.

- (1) *Affectivity-affetive neutrality, concerns the amount of emotion or effect that is appropriate in a given interaction situation. Should a great deal or little affect be expressed?*
- (2) *Diffuseness-specificity denotes the issue of how far reaching abligations in an interactions situation are to be. Should the obligations be narrow and specific or should they be extensive and diffuse?*
- (3) *Universalims-particularism points to the problem of whether evaluation and judgment of others in an interaction situation is to apply to all actors or should all actors be assessed in terms of the sam standards?*
- (4) *Achivement-Ascription deals with the issue of how to asses an actor, wether in terms of performance or on the basis of inborn qualities, such as sex, age,*

¹² *Ibid*, p. 59. Contract approach towards justice concept developed by Rawls is not the first, since it has been developed by his predecessors like John Locke, Rousseau and Immanuel Kant acknowledged by Rawls as stated in his preface of his first edition of his book, p. viii..

¹³ Lihat Talcott Parson in Jhonatan H. Turner, *Op.Cit*, p.48.

race, and family status. Should an actor treat another on the basis of achievements or ascriptive qualities that are unrelated to performance.

- (5) *Self-Collectivity* denotes the extent to which action is to be oriented to self interest and individual goals or to group or large collectivity in which they are involved.

Ronny Hanitijo Soemitro¹⁴ states that before taking any action, a holder of a role (an *role occupant*) faces a series of thought consisting of five possible dichotomies mentioned above. A role occupant must choose one of the dichotomies, so the variable is actually a priority. The change process following industrialization is indicated by the shifts in choosing the variable model in industrialization process. Shifts happen from *affectivity to neutral affectivity*, from *collectivity orientation to self orientation*, from *particularism to universalism*, from *ascription to seek achievement* and from *diffuseness to specificity*.

Fred W. Riggs uses the dichotomy from Talcott Parsons as the basic concept to develop his theory on prismatic society. Riggs differentiate "*fused types of society*" as a unity society from "*diffracted types of society*" indicated by differentiation and separation of complete functions.¹⁵ The "*fused*" society prototype is a kinship-based society (*paguyuban*), in which almost all the members of the society complete almost all roles and functions. In the diffracted society, each component has its own specific structure (*patembayan*). In this kind of society, there is a political subsystem, educational subsystem, law subsystem, etc., and each subsystem has its own organizations and functions. The subsystem in one hand, has its own autonomous authority, but on the other hand, it is dependent. Based on this framework, Berdasar kerangka ini Fred W. Riggs introduces a conception of a prismatic type of society. According to Fred W. Riggs, the prismatic society can be found in South East Asian society indicating a lot of practices which are usually done traditionally, even though sometimes they feel that they have applied the norms, methods, and techniques of the modern society. Both levels may happen at once in a given society so that this will result in the rising tension of the community dilemma.

Prismatic concept is the result of the selection and identification done by Riggs towards the choices of the social values of the kinship society (*paguyuban*) and the social values of the diffracted society (*patembayan*) as

¹⁴ Ronny Hanitijo Soemitro, *Prespektif Sosial Dalam Pemahaman Masalah-Masalah Hukum*, Agung Press, Semarang, 1989, p. 33.

¹⁵ Compare with H.L.A Hart' ideas on society grouping into two types, namely, Primary Rules of Obligations and Secondary Rules of Obligations. The first is used to qualify the society that is still simple, and there is no differentiation of legal work, while the second type shows the type of the legal organization of the advanced or modern society, so the legal work has been spilt into specific tasks (*rules of recognition, rules of adjudication, and rule of change*). See H.L.A Hart, *The Concept of Law*, Oxford University Press, Oxford, 1972, p. 77-etc. H.L.A Hart is known as "*The Most Influential Modern Positivist in The English Speaking World*". See Kent Greenwalt in *The Autonomy of Law*, Essay on Legal Positivism, Editor Robert P. George, Clarendon, Oxford, 1996, pp 3-4.

proposed by Hoogvelt.¹⁶ Hoogvelt states that there is a social value which is still alive and affects the society members, that is the social values which prioritize the communal interest and the social values which focuses on individual interest and freedom. Riggs states that there are two social values which still exist and affects the society, that is the social values of the kinship group emphasizing communal interest and the social values of the diffracted society focusing on individual interest and liberty. Fred W, Riggs then, proposes the social values of prismatic concept placing the two groups' social values as the foundation of building laws which are adapted to the stages of the social development of the society.¹⁷

Related with this paper, it can be illustrated that there is a combination between the formation of the interest values namely individualism¹⁸ and collectivism¹⁹. A legal character of the nation is determined by the choice of the interest values, that is whether it chooses prosperity of the individuals or the prosperity of many people. The distinction of the volume of fulfilling the interest needs is based on political economy perspective, while from social perspective theory or ideology perspective, the distinction is based on the dichotomy of individualism-liberal interests (focusing on individual liberty) or capitalism and collectivism, or socialism focusing on common interest.

Sunaryati Hartono states that there is another different extreme belief that is religious *fanatik*²⁰. Indonesia objects to follow tightly one interest or ideology, but it takes good aspects of both interests or ideologies. Pancasila and the 1945 Constitution recognizes individual rights and freedom as human rights, but they also place communal interest more important than individual interest. In the implementation of TKI protection in Malaysia, to create an harmonious relations, there must a combination between free market economy system and individual ownership, and government intervention. According to Paul Samuelson, free

¹⁶ Ankie M. Hoogvelt, *Sosiologi Masyarakat Sedang Berkembang*, Rajawali Press, Jakarta, 1985, pp. 87-91.

¹⁷ Fred W. Riggs, *Op.Cit*, p. 176. See also Moh, Maftud MD, 2006, *Op.Cit*, pp, 23-24.

¹⁸ Soehardi (UGM) states that individualism is a life view ("*weltanschauung*"), which hyperbolizes the autonomy of the individual will and the autonomy of the human mind. This *Weltanschauung* becomes the basis for formulating living politics of the society several centuries ago, and even in many countries this is still being used, that is politic liberalism covering all sectors in human life including law and social economy. Positivism, liberalism, and individualism should be in unity. They must be liquidified from the bases. See Soehardi, *Luas dan Isi Hukum Sosial*, Penerbit Yayasan Kanisius, 1962, p. 10.

¹⁹ Teaching on Social function as the first time defended by a French jurist, Leon Duguti, collectivism priority to the interests of society. Freedom is not a right but a social function, which includes the obligations of each person to develop a living body, intelligence and morals as well as possible for the benefit of society. Right milikpun not right, especially not the right to use something as an absolute object, but something social function, which includes the obligation to use the goods that we have for the benefit of the community in accordance with its objectives. In brief it is said that "possede plus nul de droit d'Autre que celui de son devoir Toujours aire." Auguste Comte). See L.J. van Apeldoorn, *op.cit*, page. 50.

²⁰ Sunaryati Hartono, *Op.Cit*, hlm. 3-4.

market and individual ownership must be recognized, however, there must a change in implementing the protection done by the government to regulate the activities. The combination between a partial free market, limited individual ownership, and regulation enforced by the government is usually called mix economic system²¹. The mix economy system is also called welfare state, social market economy, ets. The system is trying to take the best values of capitalism and socialism so that the negative effects resulted by the two ideologies can be minimized. The intergrated process between these two if seen from individual ownership aspect ends in two postulates namely, first, the property rights may be owned by private sectors a long as they can give better economy insentive for the participats, and second, the property rights must be given to the state if the market does not show good response towards social goals, for example, equitable revenue and externalization.²²

3. The Inconsistency of Law (UU) No. 39 of 2004 on the Placement and Protection of TKI overseas from Social Justice Value Perspective

Western cosmology which is capitalistic in nature dominates UU No. 39 of 2004 on the placement and protection of TKI overseas, however, Indonesian cosmology got spirit of collectivity and harmony values which are the substances of the social justice values, is not reflected in the law (UU). This can be seen from the regulation of the Protection of TKI overseas as stated below.

1. Article 80 Law No. 39 of 2004 Regulating the Placement and Protection of TKI Overseas

In Article 80, it is stated that :

- (1) The Protection of TKI during the period of placement abroad is implemented among other things :
 - a. The provision of legal aid must be suited with the regulation in the destination countries and international law practices;
 - b. The defence for the fulfillment of the rights must be suited with the labor agreement of the migrant workers (TKI) and / or regulations of the destination countries where the migrant workers work.
- (2) The regulation of the provision of the protection during the placement of the migrant workers abroad as stated in paragraph (1) should be further enforced with the government decrees.

From Article 80 paragraph 2 above, there is an invalid law of the protection and placement of the migrant workers (TKI) abroad because up to now the

²¹ Lihat Paul Samuelson, dalam Manuel G. Velasquez, *Op.Cit*, hlm 187.

²² Ahmad Erani Yustika, *Definition of Institutional Economics, Theory, Strategy, First Matter*, Banyumedia Publishing, 2006, pp. 171-172.

government decrees have not been issued yet, meaning that up to now, the placement protection of TKI overseas does not exist since it must wait until the government decrees are issued. This is one of the evidences showing that Law (UU) No. 39 of 2004 is capitalistic.

2. Article 92 Law (UU) No. 39 of 2004 Regulating the Supervision of the Migrant Workers (TKI) Abroad

Article 92 regulates the supervision of TKI abroad as follows:

- (1) Supervision of the placement and protection of TKI abroad is conducted by the related agencies responsible for labor affairs of the central government, provincial government, and rency or city government.
- (2) Monitoring of the implementation of the placement and protection of TKI abroad is conducted by the Representative of the Indonesian Republic in the destination countries.
- (3) Monitoring of the implementation of the placement and protection of TKI abroad as mentioned in paragraph (1) and (2) is further regulated as follows:

From article 92 paragraph 3 above, there is also an invalid law of the monitoring of the placement of TKI abroad, since up to now, the government decrees related to the cases have not been issued yet, meaning that up to now the supervision of the placement of TKI abroad does not occur since it must wait until the government decrees are issued. This is also an evidence that Law (UU) No. 39 of 2004 is capitalistic.

3. Article 56 Law (UU) No. 39 of 2004 Restricting the Labor Agreement between TKI and the Users for only 2 Years and Extendable maximally 2 Years

The government regulation limiting the period of agreement for 2 years is contrary to the basic rights for getting pension as stated in Law (UU) No 13 of 2003 on Labor Affairs under the Law (UU) No. 39 of 2004 that workers may get pension in the age of 56. From justice prespective, TKI do not get their rights to work overseas until they get pension. Besides, this article triggers illegal migrant workers (TKI).

C. Conclusion

Based on the explanation above, it can be concluded as follows:

1. The Protection of the migrant workers (TKI) in Malaysia has not created harmonious industrial relations between TKI and the Users. Capitalistic order construction design forms exploitation system, in which the existence of TKI is seen as complementary elements of production to support high productivity. This design focuses production as solely for doubling profit improvement as reflected

in basic principles of capitalistic economy of Adam Smith, stating small capital can bring profit as much as possible. At the same time, the effort of TKI form getting their rights protected by law, is seen as the obstacles for getting double profits. Therefore, in designing modern-capitalistic construction, the position of TKI and the Users of TKI is diametrically distant. Both are not fused in the production system which is dependent each other.

2. The fact of the protection of TKI in Malaysia has not reflected justice law. Therefore, there must be a model proposed for protecting TKI in Malaysia, which creates industrial relation harmony and gives the protection for TKI. The protection reflecting the implementation of the law which promotes justice is done by reconstructing the protection of TKI in Malaysia with prismatic law framework, that is by taking a good system of the capitalistic and socialist models and Pancasila industrial relation model adapted to Indonesian values especially social justice values.
3. The inconsistency of Law (UU) UU No. 39 of 2004 on the Placement and Protection of TKI Abroad with social justice values can be seen from the placement protection of TKI (Article 80 Law (UU) No.39 of 2004) and monitoring of the placement of TKI (Article 92 Law (UU) No. 39 of 2004). Until now, the government decrees related to the cases have not been issued. In other words, there is invalid law of TKI protection in Malaysia, that makes the government decrees have not been issued. Besides, the restriction for 2 year labor agreement between TKI and TKI Users is contrary to the justice values of pension age limit of 56 (article 56 Law (UU) No. 39 of 2004)

REFERENCES

- Agus Salim, 2001, *Teori dan Paradigma Sosial* (from Denzin Guba and its Application) PT. Tiara Wacana, Yogya.
- Ahmad Erani Yustika, *Ekonomi Kelembagaan Definisi, Teori, Strategi*, Cetakan Pertama. Banyumedia Publishing, 2006
- Andre Ate Ujan, *Keadilan dan Demokrasi, Telaah Filsafat Polifik John Rawls*, (Yogyakarta: Kanisius, 2001
- Ankie M. Hoogvelt, *Sosiologi Masyarakat Sedang Berkembang*, Rajawali Press, Jakarta, 1985
- Barry, *Theories of Justice*, Harvester-Wheatsheaf, London, 1989, Vol. 1,
- Francis, Fukuyama, 2003, *The End Of History And The Last Man*, (translation), CV Qalam, Yogyakarta, Cetakan ke-2.
- Frans Magnis Suseno, 2001, *Pemikiran Karl Marx*, Gramedia, Jakarta.
- _____, 2005, Pijar pijar filsafat, Jogjakarta, Penerbit Kanisius.
- _____, 1988, *Etika Politik*, Gramedia, Jakarta.
- H.L.A Hart, *The Concept of Law*, Oxford University Press, Oxford, 1972,
- Laporan Dirjend Pembinaan dan Pengawasan Depnaker 2003-2008.
- Mubyarto, 2003, *Teori Investasi Dan Pertumbuhan Ekonomi Dalam Ekonomi Pancasila*, Seminar Bulanan III PUSTEP-UGM oleh Guru Besar FE-UGM, Kepala Pusat Studi Ekonomi Pancasila UGM , Yogyakarta .
- Rawls, John, 1971, *A Theory of Justice*, (Massachusetts: The Belknap Press of Harvard University Press).
- Ronny Hanitjo Soemitro, 2001, *Bahan Kuliah Metodologi Penelitian Hukum*, Postgraduate Program in Law Science, Diponegoro University, Semarang.
- _____, 1998, *Politik, Kekuasaan dan Hukum (Pendekatan Manajemen Hukum)*, Badan penerbit Universitas Diponegoro, Semarang.
- _____, 1990, *Metodologi Penelitian Hukum dan Jurimetri*, Ghalia Indonesia, Semarang.
- _____, 1989, *Perspektif Sosial dalam Pemahaman Maslah-Masalah Hukum*, CV Agung, Semarang.
- Satjipto Rahardjo, 2000, *Ilmu Hukum*, Citra Aditya Bakti, Bandung.
- _____, 1993, *Artikel Kompas*.
- Soehardi, *Luas dan Isi Hukum Sosial*, Penerbit Yayasan Kanisius, 1962,

Sunaryati Hartono, 1994, *Pembangunan Hukum Dalam Penyelenggaraan Negara Demokrasi*, Makalah, Universitas Darul Ulum, Jombang.

W., Friedman, 1953, *Legal Theory*, Stevens & Sons, London.