

# Tinjauan yuridis terhadap kontrak pemain sepakbola dengan klub dan klausula peminjaman pemain sepakbola berdasarkan konsep dasar hukum perdata dan hukum ketenagakerjaan = Juridical consideration on contract and the loan clause between football club and player based on basic concepts of civil law and employment law

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## Abstrak

### [<b>ABSTRAK</b><br>

Skripsi ini membahas dua hal utama menggunakan konsep dasar hukum perdata dan hukum ketenagakerjaan. Isu yang akan ditinjau adalah kontrak antara klub sepakbola dengan pemain sepakbola di Indonesia dan klausula peminjaman yang terdapat di dalam kontrak tersebut. Penelitian ini merupakan penelitian yuridis-normatif dengan menggunakan analisis kualitatif atas data sekunder. Hasil penelitian ini adalah: (1) Kontrak antara klub sepakbola dengan pemain sepakbola di Indonesia didasarkan pada pasal 1320 dan pasal 1338 KUH Perdata. Untuk konteks pinjam meminjam pemain sepakbola, tidak dapat digunakan konsep sewa menyewa yang ada di dalam KUH Perdata, karena manusia bukan objek sewa menyewa di dalam KUH Perdata. (2) Dalam konteks hukum ketenagakerjaan, hubungan hukum antara pihak klub dengan pemain sepakbola merupakan hubungan perjanjian/pekerjaan jasa tertentu, yang unsur utamanya adalah unsur koordinatif dan unsur keahlian. Untuk konteks pinjam meminjam pemain sepakbola, terdapat konsep yang mirip dengan konteks tersebut dalam hukum ketenagakerjaan, yaitu konsep alih daya.

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### <b>ABSTRACT</b><br>

The thesis reviews two main things using basic concepts of civil law and employment law. Issues that will be reviewed are a contract between a football club and football players in Indonesia together with the loan clause mentioned in the contract. This research is a normative legal research with qualitative analysis on secondary data. The results of this research are: (1) The contract between the football club and the players is based on Article 1320 and Article 1338 Indonesian Civil Code. For the loan agreement, the application couldn't based on the Indonesian Civil Code because human can't be categorized as an object of loan. (2) In the context of employment law, the legal relationship between football club and the players is merely providing professional services towards both parties in which the main elements are coordinative and skills. In the context of football player loan agreement, there is a similar concept in the employment law that is known as the concept of outsourcing.;The thesis reviews two main things using basic concepts of civil law and employment law. Issues that will be reviewed are a contract between a football club and football

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