

Analisis hukum perdata internasional terhadap Indonesian Basketball League (IBL) basketball players contract = Private international law analysis of Indonesian Basketball League (ibl) basketball players contract

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Abstrak

ABSTRAK

Perjanjian kerja antara pemain bola basket asing dan PT Bola Basket Indonesia selaku penyelenggara IBL Basketball Players Contract merupakan suatu permasalahan Hukum Perdata Internasional. Dengan demikian, perlu diketahui hukum mana yang berlaku pada perjanjian kerja tersebut. Terhadap pilihan hukum dalam perjanjian kerja terdapat pembatasan kaidah super memaksa sehingga hukum yang mengatur perjanjian kerja adalah hukum Indonesia. Terdapat beberapa permasalahan terkait hukum perdata internasional Indonesia serta hukum ketenagakerjaan di Indonesia terhadap perjanjian kerja tersebut, antara lain tidak adanya hukum yang berlaku terhadap perjanjian, adanya pilihan forum penyelesaian sengketa, penggunaan bahasa Indonesia dalam perjanjian kerja, pola outsourcing, penerapan penggunaan tenaga kerja asing serta penggunaan US Dollar sebagai pembiayaan dalam perjanjian tersebut. Penulisan skripsi ini termasuk dalam penelitian hukum normatif karena menggunakan teori dan asas hukum dengan memperhatikan kesesuaian dengan peraturan perundang-undangan.

ABSTRACT

Employment agreement between foreign basketball players and PT Bola Basket Indonesia as league organizer IBL Basketball Players Contract is a Private International Law's issue. Thus, it needs to be known law of which country shall applicable to the employment agreement. In choice of law of employment agreement, there is a limitation in the form of Mandatory Rules so law that governing the employment agreement is Indonesia Law. There are several problems related to Indonesian Private International Law and Indonesian Employment Law regarding the employment agreement, such as the absence of governing law, choice of forum, the use of Indonesian language in employment agreement, outsourcing pattern, application of law of foreign labor, and the use of US Dollar in that employment agreement. This undergraduate thesis adopts normative law method for research because use theory and legal basis with regard to Indonesian law.