

**ANALISIS YURIDIS TERHADAP PRAKTIK PENAHANAN IJAZAH  
PEKERJA OLEH PEMBERI KERJA DITINJAU DARI PRINSIP  
PERLINDUNGAN HAK NORMATIF DALAM HUKUM  
KETENAGAKERJAAN**

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**ABSTRAK**

Praktik penahanan ijazah pekerja oleh pemberi kerja masih kerap terjadi dalam hubungan kerja dan berpotensi melanggar hak normatif pekerja. Penelitian ini bertujuan untuk menganalisis secara yuridis praktik penahanan ijazah pekerja oleh pemberi kerja ditinjau dari prinsip perlindungan hak normatif dalam hukum ketenagakerjaan berdasarkan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan sebagaimana telah diubah dengan Undang-Undang Nomor 11 Tahun 2020 dan ditetapkan kembali melalui Undang-Undang Nomor 6 Tahun 2023 tentang Cipta Kerja beserta peraturan pelaksanaannya. Penelitian ini menggunakan tipe penelitian hukum yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual, yang dianalisis melalui studi kepustakaan dan penalaran deduktif. Hasil penelitian menunjukkan bahwa praktik penahanan ijazah oleh PT GPP Surabaya tidak memiliki dasar hukum yang sah dan bertentangan dengan asas perlindungan pekerja, asas keadilan, dan asas kepastian hukum. Ijazah merupakan dokumen pribadi pekerja yang tidak dapat dijadikan jaminan dalam hubungan kerja. Praktik tersebut dapat dikualifikasikan sebagai perselisihan hak dalam hubungan industrial dan penyelesaiannya dilakukan sesuai mekanisme yang diatur dalam peraturan perundang-undangan.

Kata Kunci: Penahanan Ijazah, Hak Normatif Pekerja, Hukum Ketenagakerjaan.

**A JURIDICAL ANALYSIS OF THE PRACTICE OF WITHHOLDING  
WORKERS' EDUCATIONAL CERTIFICATES BY EMPLOYERS FROM  
THE PERSPECTIVE OF THE PRINCIPLE OF PROTECTION OF  
NORMATIVE RIGHTS IN LABOR LAW**

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**ABSTRACT**

*The practice of withholding workers' educational certificates by employers is still commonly found in employment relationships and has the potential to violate workers' normative rights. This research aims to analyze juridically the practice of withholding workers' certificates by employers from the perspective of the principle of protection of normative rights in labor law, based on Law Number 13 of 2003 concerning Manpower as amended by Law Number 11 of 2020 on Job Creation and re-enacted through Law Number 6 of 2023 on Job Creation, along with its implementing regulations. This study employs normative juridical legal research using statutory and conceptual approaches, analyzed through library research and deductive reasoning. The results show that the practice of withholding certificates by PT GPP Surabaya has no valid legal basis and contradicts the principles of worker protection, justice, and legal certainty. Educational certificates constitute personal documents of workers and therefore cannot be used as collateral in employment relationships. Such practice may be classified as a rights dispute in industrial relations, the settlement of which shall be conducted in accordance with the mechanisms stipulated in the prevailing laws and regulations.*

*Keywords: Withholding of Educational Certificates, Workers' Normative Rights, Labor Law.*