

ABSTRACT

Without realizing that the application of the principle of proportionality in the implementation of outsourcing contracts is already part of the contract law system in Indonesia which at the level of practice is very often done, only workers, trade unions, employers and associations of entrepreneurs in Indonesia are not aware of it. So that workers, trade unions, employers and associations of entrepreneurs only recognize that the legal principle in carrying out the contract is only the basic principles of contract law, namely freedom of contract, consensualism, binding force and good faith.

In this study 2 (two) main problems were determined, namely: How is the application of the principle of proportionality in the implementation of the contract of outsourcing (outsourcing) cleaning services at PT Atalian Global Services Pekanbaru? And what are the inhibiting factors in applying the principle of proportionality in the implementation of the PT Atalian Global Services Pekanbaru cleaning service outsourcing (outsourcing) contract?

The type of research used is a type of empirical / sociological legal research. The object in this study is PT Atalian Global Services Pekanbaru. Data sources used are primary data, namely location data, employee outsourcing services at PT Atalian Global Service Pekanbaru with 12 areas spread throughout Pekanbaru City and secondary data sources are laws and other library documents. Data collection techniques were carried out by direct interviews at the location, and distributed questionnaires to respondents as much as 30% of the total population by sampling. And the method of drawing conclusions used is inductive conclusions.

Based on the results of the study that 1). The principle of proportionality cannot be separated from the basic principles of other contract law. The application of the principle of proportionality in the implementation of outsourcing contracts is part of the contract law system in Indonesia. Likewise, what has been done by PT Atalian Global Services Pekanbaru Branch; 2). Obstacles in the Application of Proportionality Principle In the Outsourcing Work Contract of Cleaning Services PT Atalian Global Services Pekanbaru is the status of an unequal employment relationship, especially in meeting the interests of the owner of PT Atalian Global Services Pekanbaru. And efforts can be made to overcome obstacles to the application of the principle of proportionality in the implementation of outsourcing contracts, among others, is that the community, especially the workers, increase legal awareness to accept and enforce the law in accordance with the objectives of law formation. As well as labor inspectors are workers' expectations to enforce the implementation of labor laws and regulations, their functions must be addressed and given more authority to carry out supervision, socialization and prevention of labor law violations.

Keywords: Application of Proposal Principle, Outsourcing Work Contract, PT Atalian Global Service Pekanbaru