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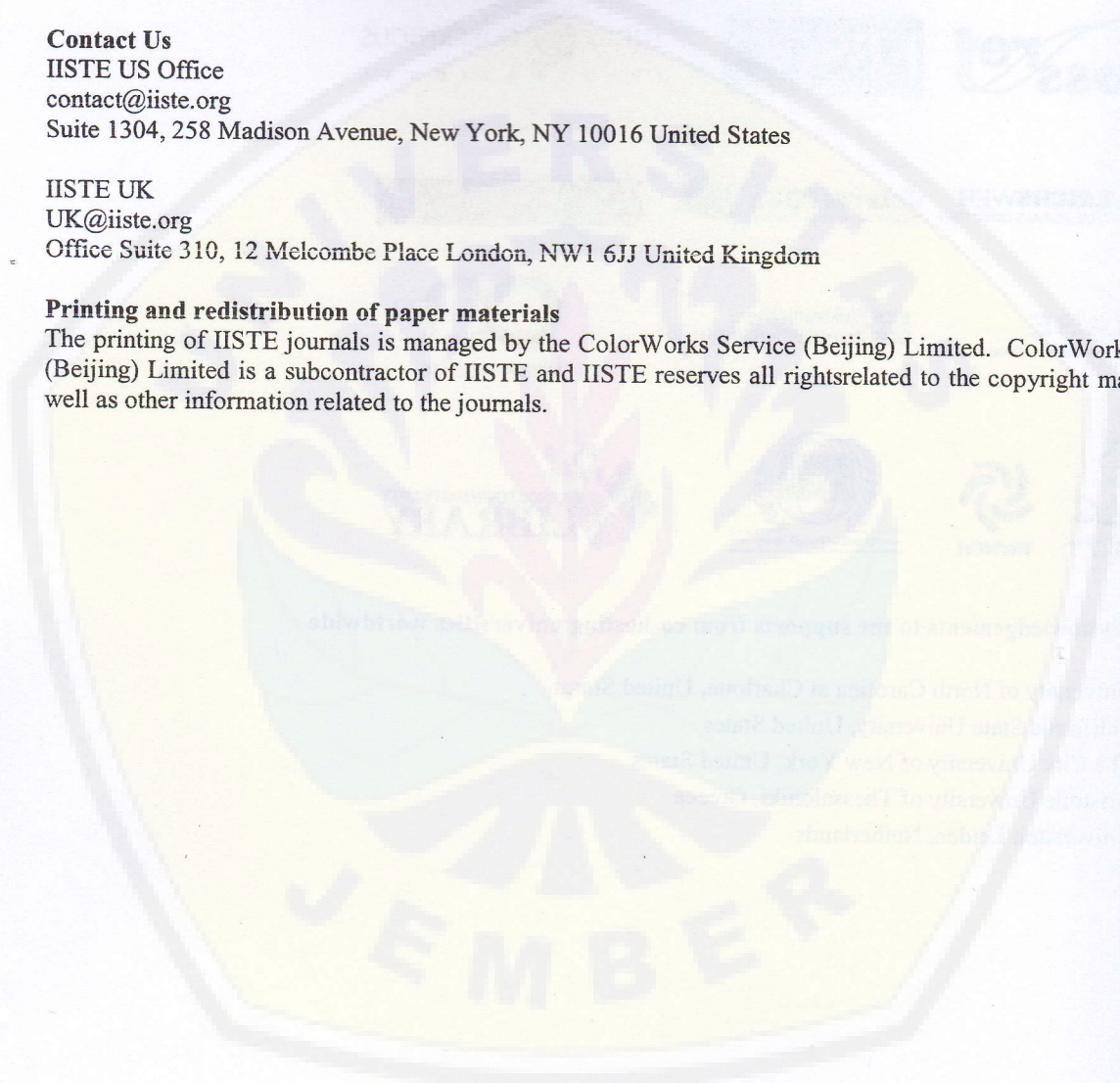
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## The Meaning of not being Contrary to Morality Essence in Employment Agreement

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### Abstract

Indonesia's labour law has limitations because it contains the uncertainty regarding the employment agreement. Employment agreement which is made by labours and employers should not be contrary to morality. Violation of this regulation impacts to the employment agreement omission for the law. Ironically, the essence of morality meaning has not been found until these days, so that the labour laws which are now enforced are not able to accommodate as well as organize the phenomena of the working relationship that tend to be contrary with morality. There is no standard when an agreement is said contrary to morality. As the result of the law uncertainty in the employment agreement, in turn, it creates inequities for the labours because the protection aspect that is expected cannot be actualized. Because of the limitations that surrounded the labours, they become the object of employment relationship, being forced to run a job that is contrary to morality. Labour lost their dignity and prestige, and of course this fact so contrary to the values of Pancasila Industrial Relations which puts the laborer as human beings, not as the production device. This study is expected to find a construction nature of the meaning of morality.

**Keywords** : labour law, meaning, moral, agreement, protection

### 1. Introduction

Generally, meaning of morality is a normative problem in the legislation in Indonesia, including the labor law as contained in the law no. 13 of 2003 concerning the Manpower (State Gazette of the Republic of Indonesia Year 2003 Number 39 - Supplement to the State Gazette of the Republic of Indonesia Number 39). Normative problem in this case meant that the provisions governing the morality are norms that are still hazy. The legal facts of the haziness norms in the labor law can be observed from some provisions: first, Article 52 - The employment agreement is made on the basis of: a. the agreement of both sides; b. the ability or competence to take legal action; c. the existence of the contracted work, and d. the contracted work is not contrary to the public order, the morality and the regulation of the prevailing laws. Secondly, Article 86 - every employees / labors have the right to the protection of: a. occupational safety and occupational health b. morals and decency, and c. a treatment that is appropriate with dignity and prestige of human and religious values also. Third, Article 158 - (1) The employer may terminate the work relation if the employee / labor has made serious mistakes as follows: d. committing adultery or gambling in the workplace.

The Blurring of decency norms in this working relationship is also found in regulations of the implementing laws number 13 of 2003 that is about the Ministry of decision of the Labor and transmigration minister Republic of Indonesia Number Kep-224/MEN/2003 about the female entrepreneurs' liability working between the hours of 23 to 07.00. Mentioned in Article 5 - Employers are obliged to maintain the security and decency or female labor referred to in Article 2 paragraph (1) letter b with: a. providing the security guard in the workplace, b. providing the bathroom or toilet appropriately which is equipped with adequate lighting and separated toilet for men and women labors.

There is no explanation of Decency word in the phrase sentence on some articles above in Law no. 13 of 2003 so that the provisions concerning the decency to be vague. Thus the norm vagueness absolutely builds the legal uncertainty which in turn the labor law cannot determine the certainty factual of the legal fact concerned with: job that is categorized as decency violation, the protection of decency and immoral behavior in working relationship. The further effect of the ambiguities in the labor law norms, influenced to the level of the law enforcement process. The court judge of Industrial relations will be faced with the reality of the legal uncertainty to check out and cut off the industrial dispute because there is no clear and resolute size in order to

define a work as the working agreement object that is said contrary to the decency.

Legal certainty is the certainty of the rule of law or the text, not the certainty of behavior in practice. Through the rule of law, in turn, it can be absolutely determined the nature of meaning which is not contrary to the decency as the legal requirement of working agreement so that with the exact formulation, the function and the purpose of the labor law can be run both preventive and repressive. If the certainty of the nature of the formulation is not contrary to the decency in the phrase of working agreement is not contrary with the decency can be formulated so thus law certainty is as corridor in building the welfare as a manifestation of the law state's welfare as a mandate 1945 Constitution republic of Indonesia. The labor law that give a welfare for workers and their families actually provides protection for the labors, remembering that the working agreements that are made as a basis of the relationship employment functionally still put the labors as human followed by their dignity and prestige. Labor can be actually avoided from the work which is contrary to morality.

The effort to formulate the nature of the meaning which is not contrary to decency in this agreement is an urgent step, because the demands of socio-economic dynamics which grow continually and develop in the global era. Thus fact that contributes to the birth of economic system which will transform into libidonomics, that is a distribution system of stimulation, seduction, pleasure and excitement in the community. JF Loytard in "Libidinal Economy" (Supartiningsih, 2008 : 9) also said that in the economic body (global capitalism) developed a logic as the logics of desire.

The point of this expression is that the economic traffic is followed by the traffic of desire. The Economic growth is determined from how of each consumer's desire is stimulated by the tricks of commodity's sensuality. The stimulation of desire becomes the central point of the economic engine: desiring machine. The further consequence is the libido capitalization: every potential libido is used as a commodity, and taking the advantage of its commercial status. All the tricks, tactics and strategies are used to make each intensity libido, every form of pleasure obtain the addition of economic value, which in turn raises the value gradation in the employment relationship. The work concept or the operation concept changes from functional spirituality toward pragmatic utility that negated the moral values of decency.

Based on this background, there are two legal issues of urgency that will be answered in this study, namely: (1) what is the nature of decency? (2) What is the meaning's essence of "not being contrary to decency" as the legal term of the employment agreement in the perspective of legal protection for the workers?

## 2. Research Methods

The type of this research is a normative law research, it is the legal research process which is undertaken to produce arguments, theories, new concepts as prescriptions for addressing issues in the law that is made by reviewing and analyzing the provisions of the law, the court decisions and other legal materials. The expected answers in the study of law as the analyzed result are right, appropriate, or wrong. So that it can be said that the result obtained in the law research already contains a value. Normative legal research is a research-based on the analysis of legal norms (Peter Machmud Marzuki, 2005 : 29-36).

In the context of normative legal research, Abdul Kadir Muhammad argues that normative legal research is a law research that examines the written laws of the various aspects: theoretical aspects, aspects of history, philosophy, comparative, structure and composition, scope and material, consistency, overview and each articles, the formalities and the binding force of a law and the legal language that is used, but it does not review the applied aspects or its implementation. In accordance with the purpose that will be achieved, so that the method in this legal research used four kinds of approaches. First, a conceptual approach, it was the approach taken by doing a search on the views and the doctrines which is developed in the jurisprudence which are derived from expert opinion or theory, especially concerning with the understanding of decency. Second, Statute Approach which was done with the verification activities, the legal classification of legal products in the form of legislation regulation that is expected to attract the basic principles of the legal issues substance, in this case it is the understanding of decency. Third, Historical Approach, it was conducted by reviewing and analyzing the formation process of legislation regulations that contain or regulate the legal issues which become the study object and the analysis in legal research.

This historical approach was focused through the efforts to understand the laws that regulate the decency of the labor laws which are prevailed before, including the treatise of the labor law formation that are applicable now (Act No. 13 of 2003). Fourth, (Case Approach) (Bambang Sunggono, 2000 : 76). The approach was done with the inventory, observing, reviewing and analyzing the court's decision to be abstracted as well as formulated into the concept as the response to the legal issues that must be answered in the research.



### 3. Result and Discussion

#### 3.1. The Nature of Morality

Norma hukum perburuhan adalah sesuatu yang abstrak, baru dapat dipahami oleh masyarakat luas apabila sudah dikonkritkan dalam bentuk peraturan perundang-undangan yang tercermin dalam rumusan article-articlenya. Pembentuk hukum harus cermat merumuskan suatu definisi dari konsep hukum. Antara definisi yang ada dalam satu peraturan tidak boleh mengandung unsur adanya pertentangan atau inkonsistensi, baik secara horizontal maupun vertikal.

Formulating the nature of decency meaning in labor law is an attempt to construct the concept to the form of understanding. For this purpose, we use the word as an outward sign (articulated speech sounds or written marks) to express its understanding and its goods. Thus it is clear that the logic object is the sounds or signs which mean the words are a sign of something or a state of mind and it is expressed with understanding. Understanding means capturing the essence. According Bruggink, understanding is a thought-content (*gedachteninhoud*) which is emerged by a particular word. (JJ.H Brugink, 1996 :44)

The formation of decency understanding is an important factor in dogmatics labor law, remembering the Act No. 13 of 2003 is intended to regulate the rights and obligations between the labor and the employer. For that purposes, it is absolutely required the clarity and decisiveness as the legal certainty which is needed by the doer of the working relationship.

According to Bruggink, there will be the distinction between the content of definition (*begripsinhoud*) and scope-definition or wide-definition (*begripsomvang*) in every definition. The content of definition is called with the intention or connotations of the definition. Based on Browse by Alex Lanur the content of definition is all of the things that is combined in a definition. The content of definition the contents can be found by answering the question: Which parts (elements of) a certain sense (Alex Lanur, 1983 :15). Wide-definition is the objects (reality environment) that can be expressed with a certain sense. There is a connection between content and wide-definition. The less of understanding intention in loading the characteristics, which means that the contents of the definition is pointed as less exact sense, so more objects or subjects that fall within the extension of the definition. Hence, the scope of the definition is broader.

From above it can be concluded that more intention of the definition loads the characteristics, it means that the definition content is determined more precisely to the sense, less object or person that is included in the extension of the definition, so that the scope will be narrower. In other word, if it adds more characteristics, so it will be formed a concrete definition, which has further narrower scope. This means that if the nature of the decency meaning in a working relation is formulated through the definition by less characteristics intension and elements so the decency meaning becomes broader. Conversely, if the decency meaning in employment relation is formulated through the definition that has many intensions so the nature of decency meaning in the employment relationship becomes narrower.

Intension and extension that characterizes a notion cannot be separated from the rule of law which refers to a proposition of a legal rule. Intension and extension to define the essence of the morality meaning in the employment relationship cannot be separated from the theory, principles, basic principles and the politics of employment law. Constructing the essence through the efforts to formulate the meaning or definition, according to Bruggink, it is an attempt to explicit the elements that exist within a concept. Definition contains the name's meaning of a group of characteristics from a term/ word so it can give a specific definition at once can distinguish it from the others.

Definition has two elements, the elements are defined: genera and elements that define: differentia. Genera is a kind, while differentia essentially a differentiator. Genera is common names that include the intent object, in this case is 'decency'. Differentia is a term which distinguishes the intent objects with other objects that is in the genera. Bruggink called it as *definiendum* for words that should be defined (decency) and *definiens* for the words that embody the definition (JJ.H Brugink, 1996 :72).

Furthermore Bruggink gave the limitation relating to the definition, namely:

- a. *Definiens* should be clearer than the *definiendum*.
- b. *Definiendum* are not allowed to be in *definiens*.
- c. *Definiens* should be negative. For example, "women" as "a person who is not a man".
- d. *Definiens* and *definiendum* must be reversed. Through this requirement, people intent that the *definiendum* and *definiens* have to be identical, so that those can be interchangeable in every context. So, *definiens* only may point at *definiendum* and on the contrary. Alex Lanur added that the definition should not be expressed in vague language, metaphorical or ambiguous.

Referring to the based principles, in building an understanding base as the description above, so then to formulate the essence of the decency nature in a such of working relation in order to fill the employment

agreement norms which are still vague, then the formulation construction is started by formulating decency in general. Understanding of the decency essence is generally intended to build the understanding of the decency essence universally, so the position of decency in the law realm can be known, including the position of employment law itself.

Decency is the overall rules, norms or laws that take the form of injunctions and prohibitions. Decency is about moral teachings which are reflected from the command of: "do according to this or ought to do this or be doing this and do not do that or get rid of it". In other words, decency grows the obligation and darma. Thus, decency regulates human behavior and society also, in which the human being there. That's way human cannot do something as they like or not to do something that they do not like. The human behavior is governed or determined by the norms of decency.

Human is built by morality. This means that the natural life, such as the desire, tendency, ideals, and so on, as if that natural lives are distributed or decanted into a specific form. The particular form in this case is a collective consensus of the agreed value. This concept is called as the decency which is directly related to the dignity and the prestige of human. Thus, if, the embodiment of sexuality, a natural state get the restrictions and to be distributed or formed by the rules which say that how should be a man and woman who is ready from the side of sexual behavior to a person of their opposite gender, so what terms that must be filled that allow women and men to get along, and so on. These rules are called the sexual morality. This set of rules is also applicable in other areas of life. Thus the rules have already presupposes the natural life or even the animal life, but establish the certain requirements for its realization. When a person fulfills the requirements of morality, then his behavior and himself can be assessed good (from the decency side), and it can be said bad for the opposite condition (from the decency side). The decency norms are sometimes written and sometimes unwritten also. The systems of decency that come from the great religion founder or the great moral law forming are usually written.

The understanding of this decency becomes clearer if it is compared to other norms as the following table:

**Tabel. A.1**  
**The comparison of the morality norms than other norms**

No.	Differentiator	Decency norms	Politeness norms	Religion norms	Legal norms
1.	source	conscience	society	Vision from God	possessor has the authority
2.	Material	Human relations	Human relations (manners)	Human relation vertically and horizontally	Command and prohibition for human relation and the other states
3.	Sanction	The inner voice (shame or guilt)	Social sanction such as negative image	Sin	Sorrow or amercement
4.	Characteristic	Universal	Local	Universal	Nationallity

To answer the law issue of the essence nature which is not contrary to decency as the legal term of employment agreement, so the understandings from the various literatures and legal materials which discuss the issue of decency is necessary explored as well as formulated.

The Basic word of decency "kesusilaan" is 'sila'. The word "sila" which is contained in Sanskrit and Balinese literature as well as in Buddhist culture, has many meanings. First, the sila means the norms (rules), rule of life, commands. Secondly, that word also explains the inner state of the life rule, so it can also mean: the attitude of the state, the mental strategy, the attitude, the manners and so on. The word "su" of "kesusilaan" means: well, nice; so that, this word shows firstly, it shows the norms and explains that norms mean something good; secondly, it shows the attitude to that norms and states that mannerism must be consistent to the norm. So that, the word decency is appropriate to express the essence of ethics. Ethics moves on the field of decency, meaning it is concerned with the norms that should be applied there and it is also concerned with the inner obedience to the norms. So that ethics is normative (Ali Muakhir, 2009 : 18)

Decency or morality is also interpreted as a rule of life which is more polite, kind and civilized. Decency is an attempt to guide, civilize the life to the norms /to the values prevailing in society. Decency

describes where people always apply the values that are considered good (Abbudin Nata, 1996 : 96). Decency in the sense of developing community refers to the meaning of mentoring, guiding, directing, and familiarizing a person or group of people to live with the norms or values prevailing in society.

In English, decency means moral values, have a good Morals, ethics, Decency, morality (John M.Echols dan Hasan Sadly, 1989 :536). Black Law's dictionary (Henry Campbell Black, 1991 : 1008) gives the sense of decency as the moral law, that is the law of conscience; t the aggregate of those rules and principles of ethics which relate to right and wrong conduct and prescribe the standarts to which the actions of men should conform and the dealing which the other. (The law as a manifestation of conscience, a collection of rules or ethical principles which are related to the right and wrong behavior and provides prescriptions in the form of a standard action that should be able to adjust and compromise each other). Meanwhile, according to The Lexicon Webster Dictionary, Decency (moral) is behavior as to right or wrong, especially in relation to sexual matters. (Appropriate behavior / good or bad / wrong about the sexual issues).The decency issue is always closely linked to the values. Essentially, humans have the ability to take moral decisions, and implement them so that people is called as a moral creature. Drijakara (Drijarkara , 1984 : 121-124) interpreted that human decency is human who has the values, understand, and apply those values. Values are something that is honoured greatly by the people because it contains the meaning of goodness, virtue, glory and so on, so it can be believed and relied as guidance in life.As we know that the historical development of the law cannot be separated from the development of an morality understanding. Therefore, to understand the essence of the morality meaning it can be seen from the development of the legal nature from time to time either in the sense of normative law and in practice:

**Tabel A.2**  
**The Development Of Morality's Essence**

No. (1)	Source (2)	The Meaning of Morality/Breaking the Morality (3)	Main idea (4)
1.	The Opinion of Philosophy Expert		
a.	5th century BC up to 1 BC		
	- The Sophists	- Obedience to the noble values that are believed in the collective life of the community collective called logos	- Logos
	- Socrates	- Virtues to focus on the wisdom and truth which is the highest superiority (primum et summum bonum) in human life.	- Wisdom and truth
	- Aristoteles	- Ethical social feeling as the basis of human action to live in dignity, not disturbing others, and sharing to every human beings.	- Feelings of ethical social
b.	The medieval era (4th century until the 12th century AD)		
	- St.Agustinus	- Piety (Deity) as the ethical value of the faith vertically and horizontally.	- Ethical values of faith
	- Thomas Aquinas	- Christian morality to uphold the natural rights of man.	- Christian morality
c.	The Age of the Renaissance (15th century to 17th century AD)		
	- Hugo Grotius	- Sociality Awareness in order that the nature principles of virtuous individual can be maintained.	- Awareness of sociality
d.	Aufklarung (18th century)		
	- Imanuel Kant	- Treating people as their dignity based on the laws of the universe.	- Laws of the universe.
	- Christian Wolf	- Embodiment of love for God and for other human beings.	- Love



	- Rosseau	- Ethical autonomy which is limited by the willingness of public.	- Ethical autonomy
e.	19th Century		
	- Dhurkheim	- Collective moral to maintain the cohesion of the others.	- Collective moral
f.	20th Century		
	- Theodore Geiger	- The norm reality of life as a transcendental moral values control .	- Norm reality as control
g.	21th Century		
	- W.J.S Poerwadarminta. Kamus Umum Bahasa Indonesia (Edisi ketiga). Jakarta : Balai Pustaka, 2005. Hal.1167	- Polite, civilized, cultivated, politeness, civility, overall rules, rules or laws that take the form of injunctions and prohibitions.	- Injunction Normative and prohibitions
	- Henry Campbell Black. Black's Law Dictionary. USA: West Publishing CO, 6th Edition 1991.Hal.1008	Law moral, it means the law of conscience; the aggregate of those rules and principles of ethics which relate to right and wrong conduct and prescribe the standarts to which the actions of men should conform and the dealing which the other.	- Principles of behavior ethical are as the manifestation of conscience
	- Yan Pramudya Puspa. Kamus Hukum Edisi Lengkap Bahasa Belanda,Indonesia, Inggris, Aneka Ilmu ,Semarang, 1977, hlm. 933	- Behavior, conversation conduct that anything which is inherent in the norms of decency that should / be protected by law for the creation of rules and ethics in social life.	- Ethical of behavior that should be protected by norms
	- The Lexicon Webster Dictionary	- Behaviour as to right or wrong, especially in relation to sexual matter. (The right or wrong Behaviour relates to sexual matter)	- Behavior ethics relates to sexuality
	Smith, Huston. Agama-Agama Manusia Yayasan Obor Indonesia. Jakarta : 2008	- Guidelines for human relationships within the family, community and country which are expected creating the harmony.	- Principles of behavior ethics which are in the family, society and country.
	- R. Soesilo. Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Article Demi Article” (hlm. 204)	- Feelings of shame associated with sexual desire. For example copulating, groping the female breasts, groping the female genitals, showing the part of female or male genitalia, kissing and so on. All crimes that against the decency is done by an "action".  - First, it shows the norms and explains that norms are something good;	- Shame which is associated with sexual behavior.

		secondly, it shows the attitude towards the norms and state that behaviorism must conform to the norms.	
	- Wirjono Prodjodikoro. Tindak-Tindak Pidana Tertentu di Indonesia, PT Refika Aditama, Bandung, 2003, hlm. 112.	- Good customs within the relationship among the various members of the community. While morality (Zedelijkheid) is also about good customs, but it is specific to the sexuality of someone.	- Good customs regarding sexual behavior
	- Saleh Djindang. Pengantar dalam Hukum Indonesia,	- The overall rules that exist in the society, the rules are not either the custom law or religious law.	- Good values
	- Abbudin Nata, Akhlak Tasawuf, (Jakarta : Rajawali press, 1996), hlm.96.	- The view where people always apply the values that are considered good.	- Good values
	- Sudarsono Kamus Hukum. Jakarta : Rineka Tjipta, 2005. hlm.467	- Guiding, directing, and familiarizing a person or group of people to live consistently to the prevailing norms or values in society. - Associated with manners and politeness. Civilized, cultivated, politeness, civility	- Ethical principles are as the standard of the attitude.
2.	<b>Javanese ethics</b> Budiono Herusatoto, Simbolisme dalam Budaya Jawa. (Yogyakarta: Hanindita, 2001), hlm.79	- The teachings of true virtue are as a commendable action which is usually guided by Hasta Sila, those are eling (always remembering God), Pracaya (faith), mituhu (loyal), Rila (sincere), temen (precisely promise), sabar (tough), and budi luhur (honor the moral values).	- Commendable actions are guided by Hasta Sila
3.	<b>Islamic Thought</b> Ahmad Amin, Etika Ilmu Akhlak, (Jakarta: Bulan Bintang, 1975), p. 6	- Akhlaqul karimah means the way of life that includes the whole parts, not only to determine the trust, but also the rules, customs, social, and basic factor of human action derived from the Quran and Sunnah in order to be insan kamil (the perfect human).	- The main basic moral based on Quran and Sunnah. - Ethics Violation is genitalia exploitation.
4.	<b>Christianity</b>	- The Ten Commandments were prepared on the basis of the both laws of love taught by Jesus (Mt 22:34-40, Mk 12:28-34, Lk 10:25-28), namely: the love of God (command 1-3) and the love of for fellow human beings. (orders 4-10). - (1). Love your Lord God with all your strength and your mind; (2).	- Compassion Law



		Love your fellow human beings as you love yourself.	
5.	<b>Hindu Thought</b>	- Behavior that consists of mutual correlations which are consistent and harmonic with the universe (environment) which are based on the holy sacrifice (Yadnya), sincerity and compassion based on the principle of Twam Tat Asi thought (He is you) which implies that the whole creation of life are equal, helping others means helping oneself, otherwise hurting someone else means hurting oneself.	- The Ethic of behavior for horizontal relationships in order to achieve the balance through the empathy developing.
6.	<b>Buddhist Thought</b>	- Decency is a way of life which is formulated through the thought of "Jalan Utama Beruas Delapan" or "Ariya Atthangika Magga" which is a Buddhist Way of Life, consisting of: a.Right view (samma-ditthi); b.Right thinking (samma- sankhapa) a.Right speech (samma-vacca) b.Right action (samma- kamanta) c.Right livelihood (samma-ajiva) d.Right effort (samma-vayama) e.Right attention (samma-sati) f. Right concentration (samma-samadhi)	- The Ethic of behavior by giving the priority to the truth, the truth of thoughts, words and attitudes.
7.	<b>Konghucu Thought</b> "Kitab Tengah Sempurna" as much as 4 articles 6 paragraphs, "Sabda Suci" 16 articles 40 paragraphs and Meng Zi 8 articles 16 paragraphs.	- Decency is specified into some forms of action, those are tepasarira; wise; humble; trustworthy; truth; pure heart / shame; respect / earnest; simple; straight, correcting the mistakes; enforce services; be familiar with the wise men; hating the falsity; understanding other people; demanding ourselves, protecting ourselves; be pleased in the sacred path; implementing the religious thought; having a strong personality, be enthusiastic in learning; thinking carefully/accurately; principled; realistic; maintain the equity; be tough, managing well.	- The ethic of commendable behavior by pressing the personal ego to respect the fellow human beings.
8.	<b>Society</b> - Riau Islands Regency Regulation No. 26 Year 2002 on Moral Violation of Article 1 (d)	- Any kinds of attitudes and behavior that are intentionally done in front of others or in the open (public) or covertly performed by a person or a group of men or women in the form of action, attitudes and behavior which evokes the sexual desires, including listening songs, gluing, showing pictures of the electronics	- Violating morality is the attitude and behavior related to sexual desire conducted in public

	<ul style="list-style-type: none"> <li>- Article 3 paragraph (2)</li> </ul>	<p>(audio visual) and written</p> <ul style="list-style-type: none"> <li>- The action details of moral violation:                             <ul style="list-style-type: none"> <li>a. Offering themselves, providing yourself, or another person or participating and or helping to commit violations of decency.</li> <li>b. Providing the place, funding, finding, bringing, caring, and facilitating the decency violation.</li> <li>c. Providing the residential facilities for the moral violators.</li> <li>d. Doing the attitudes and behaviors that are led to the decency violation in all places, especially in certain areas such as entertainment venues, hotel /inn and other public places.</li> </ul> </li> </ul>	
		<ul style="list-style-type: none"> <li>e. Presenting the songs and movie/ VCD in public, showing or even lodging any kind of pictures or even writings which can emerge the sexual desire directly/ indirectly.</li> </ul>	
	<ul style="list-style-type: none"> <li>- Regency Regulation No. 6 of 2002 on Decency Violation of Article 1 paragraph (6)</li> </ul>	<ul style="list-style-type: none"> <li>- All of the attitudes and behaviors relate to politeness breaking especially the prostitution action which are intentionally done in public.</li> </ul>	<ul style="list-style-type: none"> <li>- Moral Violation is the attitude and behavior which is related to the sexual desire that is done in public.</li> </ul>
	<ul style="list-style-type: none"> <li>- Article 2 paragraph (2)</li> </ul>	<p>Details of actions of violated ethics:</p> <ul style="list-style-type: none"> <li>a. Offering themselves, providing yourself or participating and helping to perform activities or prostitution;</li> </ul>	
		<ul style="list-style-type: none"> <li>b. Offering themselves, providing yourself or participating and helping to perform activities or prostitution;</li> <li>c. Providing a place, and looking for, bringing, caring or to facilitating the prostitution activities;</li> </ul>	
		<ul style="list-style-type: none"> <li>d. Doing the attitudes and behaviors that are led to the decency violation in public places.</li> <li>e. Showing or publishing the pictures or texts or other things that violate morality.</li> </ul>	
	<ul style="list-style-type: none"> <li>- Regency Regulation No. 6 of 2000 on Decency Violation of Article 1 paragraph (4)</li> </ul>	<ul style="list-style-type: none"> <li>- All intentional action which is performed in front of others or in the open / public or in secret place by a person or a group of either men or women in the form of acts that can evoke the sexual desire either through immoral action or by</li> </ul>	<ul style="list-style-type: none"> <li>- Violating morality is the attitude and behavior related to the sexual activity which is conducted in public</li> </ul>



		playing the songs, putting a picture-drawings and written or other actions that are contrary to the religion, customs and culture	
	Article 2 paragraph (2)	- The details of the decency violation attitude; a. offering ourselves or participating and or helping to commit the decency violations;	
		b. Providing a place or facility to commit the decency violations; c. providing yourself or others to commit the decency violations;	
		d. doing an activity that leads to the decency violation in particular places (in some entertainment places, hotels, and inns, as well as other places that are allegedly used for decency violation);	
		e. Broadcasting the songs which violate decency in public traffic, obviously demonstrating or pasting the texts which enclose the parts of body or any kinds of picture and things which may evoke the sexual desire. f. Assisting and protecting the process of decency violation	
	- Cilegon City Regulation No. 5 of 2001 on Decency Violations, Liquor, Gambling, Abuse of Narcotics, Psychotropic and Other Addictive Substances, Article 1 (4)	- Included the prostitution, an action that may evoke the sexual desire, either by doing the immoral attitude nor by listening music or putting the picture, writings or by doing something else that contradict to religions, customs and cultures.	- Decency Violation is the attitude and behavior related to sexuality which is conducted in public, and it contradicts to religions, customs and cultures.
<b>9.</b>	<b>Legislation Regulation</b> - Law no.15 of 2001 related to Branding - on section of explanation	- Included in the contrary definition to religious morality, public decency or public order is when the use of these markers may offend the feeling, politeness, serenity or	- Violation decency disturbs the public sensitivity.

	Article 5	religious of the public or of a particular community group.	
<b>10.</b>	<b>The Law of other Nations</b>		
	- KUHP of Malaysia and KUHP of Brunei Article 294 of the Obscene Act & Songs :	- a.committing a filthy manner in public; b. singing, reciting, or uttering a song, ballad or words that are vulgar within or even around a public place,it will get the imprisonment for a period which can be up to three months, or get a forfeit punishment, or even both of those.	Doing the sexual action/behavior in public places
	- KUHP of Japan Article 174 related to violation of morality in public:	- Someone who obviously commits a filthy behavior.	
	- Government Regulation No.13 of 2013 on the Protection of Indonesian labor abroad- Article 35	- A particular position /occupation that is not compatible with humanity or morality as referred to Article 33 letter d, among others: - prostitutes - Erotic dancer - Militias or mercenaries - Position or occupation which is prohibited in the addressed nation.	- The form of decency violation is an action related to sexual desire/sexuality. - prostitutes - Erotic dancer - Militias or mercenaries - Position or occupation which is prohibited in the addressed nation.
<b>10.</b>	<b>The Law of other Nations</b>		
	- KUHP of Malaysia and KUHP of Brunei article 294 of the Criminal Code Act Obscene & Songs:	- a.committing a filthy manner in public; b.Singing, reciting, or uttering a song, ballad or words that are vulgar within or even around a public place,it will get the imprisonment for a period which can be up to three months, or get a forfeit punishment, or even both of them.	- Doing the sexual action/behavior in public places
	- KUHP of Japan Article 174 related to violation of morality in public:	- Someone who obviously misconduct.	
<b>11.</b>	<b>Court Decision</b>		
	- DECISION No.: 169-K/PM.III-12 / AD / VII/2012 (Military	- Acts that violate the feeling of shame which associated with sexual desires of someone else.	- The acts deal with sexual desire/ sexuality that violate the feeling



	<p>Court III Surabaya).                  Legal basis: KUHP                  Article 281 of the                  Criminal Code to (1)                  Any person who                  knowingly and                  openly violated                  decency.</p>		<p>of shame.</p>
	<p>- DECISION Number:                  PUT-09-K/PM I - 07                  AD/III/2011                  (Military Court I -07                  Balikpapan</p>	<p>- The actions or manners of                  decency violation are anything                  associated with the genital or                  some other parts of the body                  which generally can create the                  feelings of shame, disgust or the                  sexual desire of other people                  who see it. For examples such as                  grabbing a woman's breasts,                  grabbing the genital women,                  kissing, exposing her/his                  genitals and so on.</p>	<p>- Decency violation is                  related to an action                  related to the sexual                  desire/sensuality.</p>
	<p>- DECISION No.:                  28-K/PM.III-17 /                  AD / II/2012                  (Military Court III                  Surabaya)</p>	<p>- The actions of decency violation                  are anything associated with the                  genital or some other parts of the                  body which generally can create                  the feelings of shame, disgust or                  the sexual desire of other people.</p>	<p>- The form of decency                  violation is an action                  related to the sexual                  desire/sensuality.</p>
	<p>- Decision Number:                  PUT / 039-K /                  PM.II-09 / AD / II /                  2012</p>	<p>- An action/ manner which violate                  the decency, good manners,                  civility in the field of ethics that                  is associated with sex and or                  certain parts of the body can rise                  the feelings of shame, disgust or                  sexual desire of someone else                  (for example touching a                  woman's breasts, grabbing the                  genital women, kissing,                  exposing her/his genitals)</p>	<p>- The form of decency                  violation is an action                  related to the sexual                  desire.</p>
		<p>- The action which breaks the                  feeling of shame related to the                  sexual desire of someone else.</p>	
		<p>- Elements of decency Violation :                  - Good manner, Politeness,                  civility                  - Dealing with sex and or parts                  of certain body.                  - Rising the feelings of shame,                  disgust or sexual desire of                  someone else.</p>	

Based on the formulation of table above, it is understood that the essence of decency meaning is a value that contains of human desire to reach or realize the value. Value is something interesting, something that is sought, something fun, something which is liked and wanted, in summary the value is something that has a good essence. Value is something that is agreed or expected. Value always has a positive connotation. Instead, something that is left away, something that makes our self run away, such as suffering, illness or death. All of

that is the opposite of the value, which some people call it as disvalue (negative values) (K.Bertens, 2011 : 149).

The Deity is the basis and purpose of decency values. Without the Deity there can be no decency that is expected to grow continually and thrive. Decency is a demand of the nature, so nature is the basic decency. Human in decency thinking always look for the higher basic for last basic. This basic is absolutely always associated with God. Moral act essentially means implementing and running our self as God's creation.

The silence of character (Soophrosune) is the fundamental attitude, the soul of all morality. The silence of character and the silence of heart is an active attitude of man, in which human researches and directs the whole process of actions towards to the decency, in accordance with the nature demands. Decency in the structure flow that gave birth to human action can be understood through the following description:

- a. Humans have the freedom to determine the attitude or actions based on the character silence of inner voice.
- b. The beginning of human actions is an interest, then followed by the will.
- c. The point or phase of the interested sense movement that is followed by the intention /willingness is called as consideration. By doing intentions, human often hesitate. Hesitate for see the risks which are inherent to his actions. In the process of considering, humans look for the sharp understanding about the unity of act and content of the act, because without understanding human can do nothing.
- d. Consideration will happen continually until people stop it by themselves someday. This action is called as the decision, and the decision was in the form of elections. In this election level humans are faced with moral awareness in order to determine which one is good or bad behavior. When people are aware of the moral, human will be faced to the absolutely (obligation). Of this duty men should do and not break it, but it is possible for humans to break them. This is the state where the essence of the inner voice decides. In the explanation, Driyarkara, (Sudiarjo.A, 2006 : 533-585) emphasized that inner voice is not only essence that realize and see themselves as something bad and wrong as result of breaking the inner voice truth, more than that, it is the totality expression of the human self.
- e. The last point is the implementation. From the beginning till the implementation which is as the unity is called as human actions.

By understanding human motion in the form of behavior in the demand and value guidance, supported by the concept of ethics awareness as a description of each decency source, it can be formulated the essence of the decency meaning. Repeating the concept of Bruggink as presented in this article, it is mentioned that constructing the meaning through the efforts of formulating the understanding or definition, is an attempt to explicit the elements that exist within the concept. Definition contains the meaning of a group of characteristics term / word so it can give a specific understanding as well as to distinguish from the other words. More characteristics of the understanding intension, it means that content of the understanding is stated more closely, so then the less object or person that is included to the understanding extension, so that the scope of the understanding becomes narrower.

In other word, a concrete understanding will be formed if we add more characteristics, this concrete understanding will have further narrower scope. This means that if the nature of morality meaning is formulated through the understanding with a few intension characteristics and a few elements so the nature of morality meaning which is intended becomes broader. Conversely, if the morality understanding is formulated through the understanding which has many intension so then the nature of morality meaning in labor relations become narrower. By observing the basic concept in constructing the nature characterize of the intended meaning so based on the decency meaning that has been described as well as summarize through the table above, it can be conclude that the nature of decency meaning has these characteristics:

1. Rational

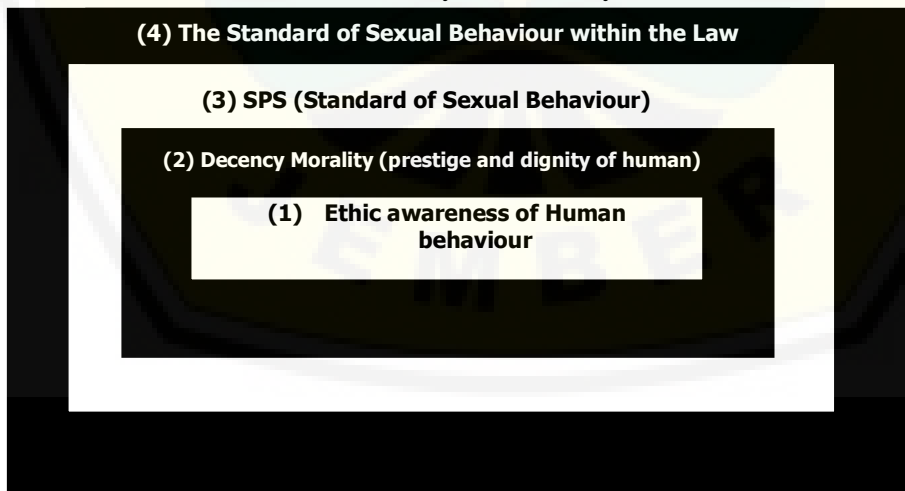
Morality exists as a logical representation in the form of human moral choice in order to control his desires. The functions of Logic elements in this case are to guide, to civilize the live that corresponds to the norms and values to find the truth or goodness. Motives of action, both pro and contrast cannot be considered unless it is known or understood firstly. This is the time of the intellect function to guide and direct the decision-making process of an action as a path toward the destination. Intellect will think about it before handing it over to the desire for approval / decision making, so that the action is going to be led to the directivity. Understanding of ratio in this case is the practical ratio, it functions as the ratio as a tool to answer the question: what should I do. Practical ratio will provide counseling on human actions (K.Bertens, \_\_\_ : 64).

2. Concrete

Decency was concretely manifested in the form of a standard prescription of behavior that is functionally becomes the guidance of human relationships vertically (human with God) and horizontally (human with

- other humans).
3. **The nature of conscience**  
Decency is a form of directivity of mind and the human impulse also, that produce the human behavior universally. Following the conscience is a basic right for every human being. There should be no enforcement where someone is forced to act contrary to his conscience. Conscience is the last moral norm of human actions.
  4. **Normative**  
Decency was instituted both written and unwritten which creates the obedience for the basic of local social as well as its various forms of sanctions which follow them.
  5. **Religious**  
Decency was supported by various religious or belief theories so that based on the substantive view, the characteristic is theological.
  6. **Sexual behavior**  
Decency in its development tends to be oriented in the realm of behavioral aspects of sexuality (sexual desire) or genitalia exploitation.
  7. **Build a sense of shame.**  
Morality as rules both written and unwritten if it is broken it will cause embarrassment to the side that brake its rule.
  8. **Local element**  
Morality is the ethical behavior as a result of the accumulation of collective agreements based on the local collective values . This fact is a reality that cannot be denied in the realm of diversity in Indonesia. Local values are the manifestation of cultures that were excavated from the local community. Local values in this matter manifests in the form of thoughts, attitudes, and behaviors. Local values are long experience, which are precipitated as a guidance of person's behavior in a local community. Local values cover a wide range of knowledge, views, values and practices of a community either obtained from previous generations of the community, as well as those obtained from the present generation of the community which is not derived from the previous generation, but comes from variety present experiences, including from its contact with another society or culture. Local values appear as a guard or a filter of global climate that plagued human life so that life and living in the region remains harmony and sustainable.  
Consistent to the elements which have been mentioned above, the decency layer can be schematically formulated through the following chart:

**Chart**  
**Layers of Morality**



- Explanation of above scheme can be explained as follows:
- (1) Morality stands on the ethical awareness of human consciousness. Ethical awareness is a background that causes changes to an action to be a human action. Ethical awareness is a fundamental of natural moral obligation which is fundamentally found in the human nature. Inside the human beings, there are many things that must be done, such as the need to survive and to sustain the next generation. In addition, since humans are rational, the necessity is also addressed to find the truth. The fundamental



- moral truth is the command for yourself about "to do something good and to avoid something bad". The measurement in determining good and bad, based on Thomas Aquinas it refers to nature law which is appropriate to the power of human reasoning, based on the facts: firstly, human beings have a natural responsibility to preserve their life and health. Therefore, suicide and reckless living without keep their health are contrary to human nature responsibility. Thus, suicide and reckless life are bad things that should be avoided; Secondly, the nature need of human to continue the generation that is raising and educating children is the fundamental necessity for the unity of husband and wife. Hence, if people only have sex without being married it is against the natural state of human; third, humans who are trying to find the truth, he will find it in a social harmony among other human beings. Therefore, the law rules are created to govern human behavior in order to create a social harmony. It cannot be denied that those three things are related to the natural state of human beings. The law, so then it is built based on human reasoning capabilities to identify the right behaviors that are seen from human's natural state, that is after considering the natural human tendency to the patterns of specific behavior.
- (2) Ethical awareness is actualized into a universal decency morality which is oriented to the dignity and prestige of human. The decency morality is more oriented to the consideration based on the basis of good or bad.
  - (3) Morality as the attitude standard is narrower than the meaning of decency morality which is universal and oriented to human dignity. Morality as the attitude standard related to the right and wrong attitude/character/behavior. If observed based on daily reality, public perception of the meaning of morality are more likely to 'behavior as to right or wrong, especially in relation to sexual matters', that is the right or wrong behavior especially related to sexual aspects of both written and unwritten.
  - (4). Decency standard of sexual behavior as defined in the legislation as a legal offense (pornography, Decency as the standard of sexual behavior was defined in the legislation rule as a legal offense (pornography, immoral behavior, rape, prostitution, trafficking of women, abortion, child labor, begging, animals persecution, gambling).

From the various sources of theories or opinions on morality in table 1.1 above, it can be observed also some important notes about the basic orientation of decency as the following table 3.3 below:

**Tabel 3.3 Orientation of Moral basic**

No (1)	Sumber (2)	Orientasi (3)
1.	Opinion of Philosophy Experts	
	- The Sophists	- Collective order of society
	- Socrates	- Humans supreme virtue
	- Aristoteles	- Respectable life
	- St.Agustinus	- Attitude basic
	- Thomas Aquinas	- Honor the nature rights of human
	- Hugo Grotius	- defending the natural principle
	- Imanuel Kant	- The Prestige and dignity of human
	- Christian Wolf	- Compassion
	- Rosseau	- General importance
	- Dhurkheim	- Social cohesion
	- Theodore Geiger	- Control
	- W.J.S Poerwadarminta	- Control the attitude
	- Henry Campbell Black.	- Interaction compromise
	- Yan Pramudya Puspa.	- Order
	- The Lexicon Webster	- Sexual matter
	- R. Soesilo.	- Principle of sexual behaviour
- Wirjono Prodjodikoro	- Principle of sexual behaviour	
- Saleh Djindang.	- Principle of the attitude	
- Abbudin Nata,	- Living based on norm	
- Sudarsono	- Principle of the attitude	
2.	Javanese ethnic	- Human priority
3.	Islam Thought	- Human priority

4.	Christianity	- Compassion
5.	Hindu Thought	- Kaidah prilaku
6.	Budhanism	- Kaidah prilaku
7.	Khonghucu Thought	- Kaidah prilaku
8.	Society	-
	- Riau Islands Regency Regulation No. 26 Year 2002 on Moral Violation of Article 1 (d)	- Rules of sexual behaviour
	- Regency Regulation No. 6 of 2002 on Decency Violation of Article 1 paragraph (6)	- Rules of sexual behaviour
	- Garut Regency Regulation No. 6 of 2000 on Decency Violation of Article 1 paragraph (4) and article 2 paragraph (2)	- Rules of sexual behaviour
9.	<b>Legislation Regulation</b>	
	- Law no.15 of 2001 related to Branding - on section of explanation Article 5	- Local values
	- Government regulations, the Law 2013 No.13 about labor protection that is abroad-articles 35	- Rules of sexual behavior
10.	<b>The Law of other Nations</b>	
	- KUHP of Malaysia and KUHP of Brunei Article 294 of the Obscene Act & Songs: - Japanese KUHP Article 174 violation of decency in public:	- Rules of sexual behaviour - Rules of sexual behaviour
11.	<b>Court Decision</b>	
	- DECISION No.: 169-K/PM.III-12 / AD / VII/2012 (Military Court III Surabaya). Legal basis: KUHP Article 281 of the Criminal Code to (1)	- Rules of sexual behaviour
	- DECISION Number: PUT-09-K/PM I - 07 AD/III/2011 (Military Court I -07 Balikpapan)	- Rules of sexual behaviour
	- DECISION No.: 28-K/PM.III-17 / AD / II/2012 (Military Court III Surabaya)	- Rules of sexual behavior
	- Decision Number: PUT / 039-K / PM.II-09 / AD / II / 2012	- Rules of sexual behaviour

Based on the orientation inventory of morality basic teachings as the table above, the essence of decency contains of several components namely:

- Rule
- Behavior
- The honor of human being
- Dignity and Prestige
- Sexuality
- Local element

Thus, related to the theory and the existing sources, by observing the decency characteristics of several elements which are followed by its several elements, supported by the understanding of various forms of moral crime as specified in the legislation rule it can be formulated that the essence of the decency meaning is: the behavior value, especially something that is related to sexual behavior based on the local ethic awareness which has been admitted normatively consistent to the ideals of national law.

Those are the explanations of the meaning nature:

- Value is something interesting, something that is sought, something fun, something that is liked and

- wanted, in short value is something good. Value is something that is agreed or expected. Value always has a positive connotation. In this understanding, Positive is always oriented towards goodness and truth
- The pointed Behavior value is that value is used as a measurement related to physical aspects of visible human behavior.
  - The word "primarily" is pointed as the replacement for the word "especially". In the nature of the decency meaning above, the word "primarily" implies the existence behavior or other behavior which is not included into the category of sexual behavior.
  - Ethical awareness is a universal will of human nature to act or behave positively. Local ethical awareness means the universal ethical consciousness which must accommodate local values. Local values are manifestation of culture which was excavated from the local community. Local values in this matter manifests in the form of thoughts, attitudes, and behaviors. Local values are long experience, which precipitated as a guidance of person's behavior in a local community. Local values cover a wide range of knowledge, views, values and practices of a community either obtained from previous generations of the community as well as obtained from the present generation of the community which is not derived from the previous generation but come from variety of experiences in the present, it is also included from contact with another society or culture. Local ethical
  - The normative admission. Normative in this case refers to the commitment of the local community value that will be positioned as a parameter. Normative admission is sometimes written and unwritten.
  - The ideal of national law is Pancasila. Although the local value is an element to measure a behavior/actions, but the existence of local values is contrary to the ideals of national law.

### 3.2. The Nature of Employment is not contrary to morality

To answer the legal issues concerning to the nature of occupation meaning which is not contrary to morality in the employment agreement, firstly it should be understood philosophically about the meaning of occupation is as the understanding corridor of terminology normatively based on the UUK (Labor Law). The right to work is part of the human right, because as stated by John Locke that work is attached to the human body.

Work is the activity of the body and therefore cannot be removed or separated from the human body. Body belongs to natural or basic of every individual, therefore cannot be revoked, grabbed or taken away from him, so essentially occupation also cannot be revoked, taken or grabbed. Body and life is one of the human rights, so then occupation is one of human rights. Get along with the right to life, right to work is owned by the man because he is a human. Working also embodies of the human self, through working human realizes themselves as human life, builds humanity life and humanity environment also at the same time, through work man becomes a human being, through work man finds his own life as an independent human being.

Labor rights and the right to work are necessary and relevant topics to be discussed for the developing of the employment in Indonesia. Reward and guarantee of the worker rights is one of fairness principles in employment law. In this case, justice demands that all workers are treated similarly with their own rights, both as workers and as human beings, they should not be harmed and should be treated equally without irrational discrimination.

Guarantee of labor rights ultimately positively impact directly on the attitude, commitment, loyalty, productivity and ultimately the performance of every employee. Admission, reward and the right guarantee of workers which are increasingly aware are the factors that determine the survival and success of a business/company, otherwise the violation of workers' rights makes the workers feel uncomfortable, no or lack of discipline, lack or do not have the commitment and less or not loyal to the institution where they work. Right to work is very important, thus it was resolutely published in Article 27 paragraph (2) of the 1945 Constitution.

In Article 27 paragraph (2) of the Constitution of the Republic of Indonesia in 1945 stated that: "Every citizen has the right to have occupation and decent living for humanity". The provision contains the principle that every citizen has the right to get a job that matches with their desires and abilities, and every job must be able to obtain adequate remuneration for the purposes of a decent life for themselves and their families". The description above was about to show how important the guarantee of the workers' rights - in a business continuity.

The guarantee of worker rights is the responsibility of firms to comply it. However, it does not mean that workers do not have the obligation and responsibility. As an integral part of the company, the workers have an obligation and social concern to corporate sustainability. In this case, there are working ethical principles in performing the occupation that have to be used as guidelines by workers in an effort to maintain the order and



regularity. Therefore, in this case, it is necessary to notice the values and meaning of the essential working in order that the workers realize that in a good working system everyone is allowed and given the opportunity to try and do everything that they think is right, but not harm the rights and the business of others or the rights and the business of the company or organization in which he devoted himself.

One of the English philosophers named John Locke argued that the work is a source for personal gain proprietary rights. Hegel, the German philosopher, also believes that the work brings people discover and actualize himself. Karl Marx, disciple of Hegel, argued that human work is a means of creating themselves. With working people get recognition ( John Locke, 1986 : 233).

According to Islam, work is defined as the use of power. Allah gives four main power for human, the Physical Power, which creates physical and skill activities. The power of thought, in which encourage the owners to think and generate the knowledge. Power that makes the hearts of men capable of imagining , expressing the beauty , as well as faith and feeling and communicating to God the Creator, and Life Power that produce fighting spirit, ability to face the challenges and overcome the difficulties. The using of one of these powers creates a work, or charity. Man cannot live without using at least one of those powers. People need physical power to move, at least in order to face the force of gravity. Therefore, work is a necessity. Because work is a manifestation of the existence of self that is transcendental, so as normatively work as an object which is agreed between labors and the employer, and of course, it must not be inconsistent with the values of decency.

Referring to the basic idea of the nature and meaning of decency the scheme as described in section (A) above, it can be constructed that the essence of the meaning of work that is not contrary to morality in employment if the employment of the object as agreed in the employment agreement does not conflict with the value of behavior, especially the related to sexual behavior based on ethical awareness has been recognized locally appropriate normative ideals of national law.

If elaborating the work as an object of agreement is said to be contrary to the moral law when objects work as agreed in the agreement the command indicates employers as labor obligations that contain the following elements:

1. The contracted work is not contrary to human ethical awareness can degrade human labor as God's creatures whose hearts and minds because it is based on the values of Pancasila Industrial Relations, Labor is not a production tool.
2. The contracted job does not violate ethical awareness (especially ethical sexual behavior). It means that if the contracted job violated ethical sexual behavior means a job which can emerge the sexual desire, exploit the genitalia of the workers which is done in front of the public and cause embarrassment for workers and general society. Included if the employment agreement that has been made is specified in the form of clauses that workers should take sexual harassment in any form of unwanted sexual behavior, any kind requests to engage the sexual behavior, verbal or physical act or any kinds of verbal or physic behavior that are toward to sexual behavior, which makes workers feel offended , humiliated or intimidated and where that reaction is reasonable in the circumstances that exist , and those actions interfere with work , be a job requirement or create a work environment that is intimidating , hostile or offensive.( Disnakertrans dan ILO, 2011)
3. The contracted job is not included in the legislation rules which has been classified as a crime: pornography, immoral behavior, rape, prostitution, trafficking of women, abortion, and child labor.
4. The contracted job is not contrary to the collective feelings of the local people who have been normatively institutionalized based on the ideals of national law.
5. The contracted job is not contrary to the religious values.

The basic principle above is the rules which are used to test the labor law in this case the Law 2003 No.13 - Article 52, paragraph 1 (d), consist of:

- (1) Agreement is made based on
  - a. The dealing of both sides;
  - b. The ability and the skill in doing the Law action;
  - c. A job that will be agreed; and
  - d. The agreed employment is not allowed to be contrary to general order, morality, and the prevailing legislation regulation.
- (2) The employment agreement that is made by contrary sides of the regulation as mentioned in paragraph (1) letter a and letter b can be aborted.
- (3) The employment agreement that is made by contrary sides of the regulation as mentioned in paragraph (1) letter c and letter d can be aborted legally.

## 4. Conclusion

Obscurity of norms concerning to the boundary of meaning nature which is not contrary to morality in employment agreement basically establishes the legal uncertainty in working relationship so then within such a situation, in turn, the existence of legislation regulations intended to be contra-productive in efforts to provide labors protection. Therefore, the effort in searching the essence of the meaning which is not contrary to morality is an urgent factor to be done. Hence, it is necessary to be formulated firstly about the nature of morality. Based on the analysis in this study, it can be concluded that morality is a value associated with the sexual behavior, based on the local ethical awareness which has been admitted normatively concerning with the ideals of national law. Thus, it can be legally understood, a job is said not to be contrary to morality if the job is not contrary to behavior value, especially concerning with sexual behavior based on the ethical awareness which has been normatively admitted as the ideals of national law.

## 5. Recommendation

Within the framework of establishing the certainty rule of law as a vehicle for providing a legal protection for workers in order to create fairness in the employment relationship, so the construction of nature meaning which is not contrary to morality can be used as a legal principle in the employment agreement. The principle is functionally expected to contribute in an effort to revise (legal reform) against the labor law (the law 2003 No. 13 about Employment) or in the legislative process to form the labor laws in the future (legal making). The other side of the law enforcement process, the existence of these legal principles can contribute to the judges in the judiciary, including the employment law practitioners.

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