



A Juridical Analysis Of Withholding Employee Diplomas In Labor Law (PT Mega Sanel Lestari Case)

Elisa Fazira¹, Anisa Mulyana², Resa Amelia³, Muhammad Ariiq Farizan⁴, Nurrahim Rasudin S.H., M.H⁵

¹ Faculty of Law, University of Riau, Indonesia. E-mail: elisa.fazira6830@student.unri.ac.id.

² Faculty of Law, University of Riau, Indonesia. E-mail: anisa.mulyana7301@student.unri.ac.id

³ Faculty of Law, University of Riau, Indonesia. E-mail: resa.amelia7412@student.unri.ac.id

⁴ Faculty of Law, University of Riau, Indonesia. E-mail: muhammad.ariiq6669@student.unri.ac.id

⁵ Faculty of Law, University of Riau, Indonesia. E-mail: nurrahim@lecturer.unri.ac.id

Keywords:

Diploma
Withholding;
Labor Law;
Employee
Protection.

Abstract:

This study analyzes the legality of diploma retention as a contract guarantee in the case of PT Mega Sanel Lestari, Pekanbaru. Using a normative juridical method, findings reveal that withholding workers' documents lacks legal basis and violates proprietary rights under Law No. 13 of 2003 and Law No. 39 of 1999. Such practices restrict labor mobility, fulfill forced labor criteria under ILO Convention No. 29, and constitute embezzlement under Article 374 of the Criminal Code. This study identifies a regulatory gap on document retention and concludes that such clauses are null and void. The state must strengthen oversight and enact specific regulations to prevent exploitative practices.

1. Introduction

Industrial relations in Indonesia are fundamentally based on the mandate of Law Number 13 of 2003 concerning Manpower, which positions legal protection as an instrument to balance the bargaining position of workers, who are structurally weaker than employers. This protection does not only cover

Copyright © 2026 The Author(s). This article is distributed under the terms of the [Creative Commons Attribution-ShareAlike 4.0 International License \(CC BY-SA 4.0\)](https://creativecommons.org/licenses/by-sa/4.0/), which permits use, distribution, adaptation, and reproduction in any medium, provided that appropriate credit is given to the original author(s) and any adapted material is distributed under the same or a compatible license.

material welfare aspects, but also protection against the dignity and personal property rights of workers.¹ The state as a regulator of industrial relations is obligated to ensure that every clause in an employment agreement does not conflict with prevailing legal norms, including prohibitions against practices that are exploitative and unilaterally disadvantageous to the worker.

One of the practices that remains a serious problem in the Indonesian employment ecosystem is the withholding of diplomas as an instrument of employment contract security.² This practice places the diploma, which is an academic document as well as the worker's personal property, as collateral controlled by the employer throughout the duration of the employment relationship. In this context, an anomaly arises in the form of diploma withholding practices often used by corporations as an instrument of control in employment relationships, which clearly contradicts the spirit of labor protection.³ The implications of this practice are broad: workers lose the ability to move to better jobs, are trapped in indecent working conditions, and are vulnerable to psychological pressure due to helplessness structurally created by the employer.

The gap between *das sollen* (protection norms) and *das sein* (facts in the field) is clearly captured in the case of PT Mega Sanel Lestari in Pekanbaru City. Data shows that a surprise inspection by the Deputy Minister of Manpower on April 23, 2025, revealed that at least 12 (twelve) former employees were victims of personal document occupation.⁴ This phenomenon reached a serious legal escalation when elements of coercion were found in the form of requests for financial compensation as a condition for the return of diplomas, which then

¹ Nur Aini dan Taufik Ansari, "Tinjauan Hukum terhadap Hubungan Kerja: Tindakan Penahanan Ijazah Karyawan oleh Perusahaan Berdasarkan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 14 (2024): 805

² I. Afkarina, *Analisis Yuridis Perubahan Pengaturan Penggunaan Tenaga Kerja Asing Dalam Hukum Ketenagakerjaan Di Indonesia*, no. Query date: 2026-06-11 12:35:21 (2024).

³ I. Gede Wiryawan, *Aspek Pidana dari Menahan Ijazah Pekerja sebagai Jaminan dalam Perjanjian Kerja* (Surabaya: Jurnal Magnum Opus, 2021), 15.

⁴ Pimpinan PT Sanel Mega Lestari Klarifikasi Soal Ijazah Mantan Karyawan dan Respons terhadap Sidak Wamenaker," *Riau Pos*, 15 Mei, 2025, <https://riaupos.co>

triggered an administrative response in the form of office sealing by the Pekanbaru City Municipal Police on May 14, 2025.⁵ These data confirm the existence of a failure in supervisory function and the potential for abuse of circumstances by the corporation

Historically, the issue of diploma withholding is not a new phenomenon. This practice has long occurred in various industrial sectors, particularly in service, expedition, and hospitality companies that use diplomas as an instrument to bind employee loyalty. However, the absence of regulations that explicitly prohibit this practice creates a legal grey area utilized by a number of corporations to maintain control over their workforce. This condition is exacerbated by the weakness of labor supervision functions at the regional level, so similar violations often escape the reach of law enforcement.⁶

In literature, research on diploma withholding has been widely conducted, but most remain fixated on aspects of rights disputes in general. This paper presents the state of the art by dissecting the case of PT Mega Sanel Lestari through a multidimensional approach that integrates aspects of administrative labor law with potential criminal embezzlement offenses. The main difference of this paper lies in the in-depth analysis of how corporate internal policies can limit the constitutional rights of workers to be free from pressure and discrimination.⁷ Based on that background, this article formulates the main question: How is the legality of the practice of withholding workers' diplomas by PT Mega Sanel Lestari in the perspective of Indonesian positive law, and what is the form of legal protection that can restore workers' rights to the documents? This paper uses a normative juridical method with a case

⁵ DPRD Provinsi Riau, "Komisi V Mengadakan RDP Lanjutan dengan Disnakertrans Provinsi Riau terkait Dugaan Penahanan Ijazah," 14 Mei, 2025, <https://dprd.riau.go.id>.

⁶ Ahmad S. Adiwijaya, "Dilema Loyalitas dan Hak Asasi Pekerja: Tinjauan Hukum atas Praktik Penahanan Ijazah di Indonesia," *Jurnal Hukum Ketenagakerjaan Indonesia* 12, no. 1 (2025): 42–45.

⁷ Grace Angelia, "Perlindungan Hukum Terhadap Pekerja Akibat Pemutusan Hubungan Kerja (PHK) Sepihak Berdasarkan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan (Studi Putusan Pengadilan Negeri Bandung Nomor 211/PDT.SUS-PHI/2018/PN.BDG)," *Jurnal Hukum Adigama* 3, no. 1 (2020).

approach to examine the synchronization between corporate actions and applicable regulations.⁸

This article argues that the withholding of diplomas is a legally baseless act that injures the subjective and objective requirements of an employment agreement. The answer to this argument will be elaborated through the following framework: (1) analysis of the legality of diploma withholding in employment contracts viewed from the principle of freedom of contract and public order; (2) review of potential criminal acts of document embezzlement as regulated in the Criminal Code; (3) identification of violations of personal property rights based on a human rights perspective; and (4) construction of settlement mechanisms and strengthening of labor supervision at the regional level.

Furthermore, the helplessness of workers in facing the practice of diploma withholding is also influenced by the lack of access to legal aid, especially for workers from lower-middle-class economic backgrounds. This condition strengthens the argument that the state is not only obligated to issue regulations but is also obliged to provide accessible and affordable rights restoration mechanisms for all layers of workers. Without the guarantee of real access to justice, labor legal protection norms will only function as mere symbols without real impact for those who need them most. Therefore, the strengthening of labor legal aid institutions at the regional level becomes one of the important prerequisites in building an industrial relations ecosystem that is fair and dignified for all Indonesian workers.

In the framework of legal protection theory, two forms of protection are known, namely preventive and repressive. Preventive protection aims to prevent violations through the establishment of clear regulations and consistent supervision, while repressive protection functions to restore

⁸ Aumalia Hanipa and Nikmah Dalimunthe, "Kontrak Kerja Dalam Hukum Bisnis Ketenagakerjaan: Analisis Perlindungan Hukum Hak Dan Kewajiban Para Tenaga Kerja," *Jurnal Hukum Bisnis Islam* 13, no. 1 (2023).

violated rights through effective dispute resolution mechanisms. The case of PT Mega Sanel Lestari shows a failure in both dimensions of protection simultaneously: the absence of preventive regulations that explicitly prohibit diploma withholding, as well as the weak repressive response from labor supervisory authorities during the years the exploitative practice took place without being touched by the law.

Recent legal scholarship demonstrates that the withholding of employees' diplomas has increasingly been examined through the perspectives of contractual validity, worker protection, regulatory gaps, and criminal liability. Adisti and Sudiarawan examine diploma withholding specifically within fixed-term employment agreements (PKWT), emphasizing the absence of explicit regulation and the vulnerability of workers arising from unequal bargaining positions.⁹ Zulkifli similarly identifies a legal vacuum surrounding diploma withholding and focuses on the available mechanisms of worker protection through bipartite negotiation, mediation, and litigation when disputes arise.¹⁰ More recently, Khandhi, Irawan, and Armono analyze the juridical implications of diploma withholding for workers' rights and emphasize the continuing absence of explicit national labor regulation governing the practice.¹¹ From a different perspective, Mokobombang et al. extend the discussion into criminal law by examining whether unlawful retention of employees' diplomas may constitute an unlawful act potentially associated with embezzlement or unlawful possession under Indonesian criminal law.¹²

⁹ Putu Cantika Adisti and Kadek Agus Sudiarawan, "Perlindungan Hukum Atas Penahanan Ijazah Asli Pekerja Oleh Pemberi Kerja Pada Perjanjian Kerja Waktu Tertentu," *Kertha Semaya: Journal Ilmu Hukum* 12, no. 4 (2024): 658–68, <https://doi.org/10.24843/KS.2024.v12.i04.p11>.

¹⁰ Akhmad Zulkifli, "Tinjauan Yuridis Praktek Penahanan Ijazah Pekerja Oleh Pemberi Kerja Dalam Kesepakatan Perjanjian Kerja," *Wasaka Hukum* 12, no. 2 (2024): 52–69.

¹¹ Shinta Ventia Nila Khandhi, Andrie Irawan, and Yudhi Widyo Armono, "Implikasi Yuridis Penahanan Ijazah Oleh Pemberi Kerja Dalam Hubungan Kerja Berdasarkan Hukum Ketenagakerjaan Di Indonesia," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (2025): 1368–76, <https://doi.org/10.62976/ijjel.v3i2.1124>.

¹² Madinah Mokobombang et al., "Aspek Pidana Dalam Penahanan Ijazah Oleh Perusahaan Berdasarkan KUHP Dan UU Ketenagakerjaan," *Jurnal Kolaboratif Sains* 8, no. 6 (2025): 2959–66, <https://doi.org/10.56338/jks.v8i6.7820>.

The novelty of this research lies in its case-based juridical analysis of the PT Mega Sanel Lestari dispute by integrating labor law, contract law, human rights, and criminal-law dimensions within a single analytical framework. Unlike previous studies that predominantly examine diploma withholding as a general normative issue, regulatory vacuum, or question of criminal liability, this research specifically evaluates whether the practice occurring at PT Mega Sanel Lestari may be understood through the doctrine of *misbruik van omstandigheden* arising from an unequal bargaining position between employer and employee. The research therefore moves beyond questioning whether diploma withholding is legally permissible by examining how contractual imbalance, restrictions on workers' occupational mobility, corporate legal compliance, and the effectiveness of state labor supervision interact in a concrete industrial-relations dispute.

Accordingly, the objective of this research is to analyze the legality and legal consequences of withholding employees' diplomas in the PT Mega Sanel Lestari case and to formulate an appropriate framework for strengthening worker protection under Indonesian labor law. The urgency of this research derives from the continuing practice of diploma withholding despite its potential consequences for workers' autonomy, occupational mobility, control over personal documents, and bargaining position. A clearer legal framework is therefore necessary to establish the permissible limits of employers' contractual authority, strengthen preventive labor supervision, provide effective remedies for affected workers, and prevent employment agreements from being used as instruments that perpetuate unequal and potentially exploitative employment relationships

2. Method

This research uses a normative juridical method with a case approach. The normative juridical method was chosen because this research aims to examine and analyze applicable legal norms in relation to the practice of diploma

withholding, so that it can be identified whether or not there is a gap between the legal norms that should apply and the reality that occurs in the field.

The legal materials used include primary legal materials consisting of relevant legislation, including the 1945 Constitution of the Republic of Indonesia, the Civil Code (KUHPerdata), the Criminal Code (KUHP), Law Number 13 of 2003 concerning Manpower, and Law Number 39 of 1999 concerning Human Rights, as well as international instruments such as ILO Convention Number 29 concerning Forced Labour. Secondary legal materials are obtained from legal literature, scientific journal articles, and verified media reports regarding the case of PT Mega Sanel Lestari in Pekanbaru. Tertiary legal materials such as legal dictionaries and encyclopedias are also used to complete the understanding of legal terminology used in the analysis.

The case approach is used to examine the legal facts found in the case of PT Mega Sanel Lestari deeply and systematically. The analysis is carried out prescriptively to assess the compliance of corporate practices with applicable legal norms and to provide recommendations for regulatory improvements. The technique for collecting legal materials is carried out through literature studies and documentation of relevant legal sources, both primary and secondary.

The validity of the analysis in this research is also supported by the use of systematic legal interpretation techniques, including grammatical interpretation to understand the literal meaning of norms, systematic interpretation to examine the interrelation between norms within a single legal system, and teleological interpretation to understand the purpose of establishing norms in the context of labor protection. These three interpretation approaches are used complementarily to produce a comprehensive analysis and avoid being trapped in a narrow and purely textual interpretation of norms.

The case approach in this research also allows the researcher to identify the *ratio decidendi* of every legal fact found, so that the conclusions produced are not speculative but rather rooted in a legal construction that is scientifically accountable. Thus, this research is expected to make a meaningful contribution not only to the development of labor law, but also to law enforcement practices in the field, which until now still face various structural challenges in handling cases of labor exploitation in Indonesia.

3. Results and Discussion

3.1. Empirical Chronology and Anatomy of the PT Mega Sanel Lestari Case

PT Mega Sanel Lestari, which operates under the brand name Sanel Tour and Travel and is located on Jalan Teuku Umar, Rintis Village, Lima Puluh District, Pekanbaru City, is a travel services and expedition business entity affiliated with Lion Parcel. The company operates in the field of freight forwarding and tourism services and has been operating for several years in Pekanbaru City. This case became a national scandal following a surprise inspection (*sidak*) by the Deputy Minister of Manpower of the Republic of Indonesia, Immanuel Ebenezer Gerungan, on April 23, 2025.¹³

The key facts found in the field are as follows. First, the scale of the victims: there are 12 former employees who reported officially to the Manpower Office (*Disnaker*), but data from legal counsel indicates the total number of victims reached 44 people. This figure demonstrates the massiveness of the diploma withholding practice carried out by the company for years without any significant legal action.

¹³ “Pimpinan PT Sanel Mega Lestari Klarifikasi...,” *Riau Pos*, 2025.

Second, the case of Ragil Firmansyah: a courier who was recruited through social media in 2018 with a three-year contract. He was only paid a wage of Rp1,000,000 per month, far below the Pekanbaru Minimum Wage (UMK), which had already reached a much higher figure at that time. Upon resigning, he was forced to pay a ransom for his diploma amounting to Rp35,000,000 (thirty-five million rupiah).¹⁴ This highly disproportionate amount reflects the element of extortion veiled within the mechanism of returning the worker's personal documents.

Third, the case of Ikhsan Akmal: a former employee who was asked to pay Rp2,500,000 (two million five hundred thousand rupiah) as a condition for the return of his diploma. This condition is deeply ironic, considering his mother works as a street sweeper and was forced to go into debt to redeem the diploma.¹⁵ This case clearly illustrates how the practice of withholding diplomas not only affects the individual worker concerned but also imposes a significant financial burden on their family.

Fourth, corporate legal disobedience: the company was recorded as intentionally ignoring three official summons from the Pekanbaru City Manpower Office (Disnaker). This attitude of disobedience demonstrates low corporate legal compliance and a lack of respect for state authority. This triggered repressive action in the form of office sealing by the Pekanbaru City Public Order Agency (Satpol PP) on May 14, 2025, based on Regional Regulation (Perda) Number 13 of 2021 concerning Public Order. This sealing action was a necessary administrative step to compel the company to fulfill its obligation to return the diplomas of its former employees.¹⁶

¹⁴ "Pimpinan PT Sanel Mega Lestari Klarifikasi...", *Riau Pos*, 2025.

¹⁵ "Korban Penahanan Ijazah di Pekanbaru: Ikhsan Dipaksa Bayar Rp2,5 Juta untuk Ambil Ijazah," *Gilangnews.com*, 11 Mei, 2025, <https://gilangnews.com>.

¹⁶ A. P. Pratama dan R. H. Wijaya, "Penegakan Hukum Administratif terhadap Pelanggaran Kepatuhan Korporasi: Studi Kasus Penyevelan di Kota Pekanbaru," *Jurnal Hukum Lingkungan dan Pemerintahan Daerah* 8, no. 2 (2026): 54–59.

Fifth, the psychological impact caused by the practice of withholding diplomas cannot be ignored. The victims reported experiencing prolonged psychological pressure due to the uncertainty of when their diplomas would be returned. This condition has implications for the decline in productivity, self-confidence, and the overall quality of life of the workers. From the perspective of labor law, such immaterial losses should also be taken into account in the compensation mechanisms provided to victims, because the psychological impact of labor exploitation is no less serious than the financial losses that are visibly apparent.

Sixth, an aspect that also needs to be highlighted is the unequal power relationship between the worker and the employer in the recruitment process. Workers entering the workforce, particularly those from economically disadvantaged backgrounds, are often in a highly vulnerable position, forcing them to agree to diploma-withholding clauses without fully understanding the legal implications. This ignorance of legal rights is exploited by corporations to impose clauses that are legally invalid from the outset. Such conditions underscore the need for massive and structured labor law education programs, especially for prospective workers entering the labor market, so they can recognize and reject exploitative clauses before signing employment agreements.

3.2. Juridical Review: The Unconstitutionality of Diploma Withholding and Human Rights Violations

From a juridical-normative perspective, the practices carried out by PT Mega Sanel Lestari constitute a form of multi-layered legal violation that can be analyzed from various legal viewpoints. First, from the perspective of labor law, based on Article 54, paragraph (1) of Law No. 13 of 2003, a written employment agreement only contains matters relating to the identity of the parties, type of work, location of work, wage amount, working conditions, and the duration of

the agreement. There is not a single provision that provides a legal basis for a company to withhold a worker's personal documents.¹⁷ The diploma-withholding clause in an employment contract is therefore categorized as null and void (*nietig van rechtswege*) because it violates the objective requirements of a valid agreement, namely a lawful cause, in accordance with Article 1320 of the Civil Code (*KUHPerdata*) and Article 52, paragraph (2) of the Manpower Law.¹⁸

Second, from a human rights perspective, a diploma is private property that serves as proof of an individual's academic achievement and cannot be separated from the identity and dignity of its holder. The right to the ownership of personal documents is strictly protected by Article 29, paragraph (1) and Article 36 of Law Number 39 of 1999 concerning Human Rights.¹⁹ Furthermore, the withholding of diplomas also deprives workers of their constitutional right to seek other decent work suitable for their abilities, as guaranteed by Article 28E, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that every person has the right to the freedom to choose their occupation.

Third, referring to ILO Convention No. 29 concerning Forced Labour, the withholding of identity documents, including diplomas, to prevent workers from leaving their employment is a primary indicator of forced labor.²⁰ This convention identifies at least eleven indicators of forced labor, and the withholding of documents is one of the most frequently encountered in the context of labor exploitation. By withholding diplomas, companies effectively create an exploitative situation of dependency, in which workers lack the

¹⁷ Fuad dan O. S. Riyanto, "Perspektif Hak Asasi Manusia terhadap Penahanan Ijazah Asli dalam Perjanjian Kerja oleh Perusahaan," *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 2, no. 1 (2023): 68, <https://doi.org/10.37631/jrkhm.v2i1.18>.

¹⁸ Aini dan Ansari, "Tinjauan Hukum terhadap Hubungan Kerja...", 810.

¹⁹ Indonesia, *Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia*, Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165.

²⁰ International Labour Organization (ILO), *Convention concerning Forced or Compulsory Labour* (No. 29) (Geneva: ILO, 1930).

genuine freedom to terminate their employment relationship without facing significant financial loss.

Fourth, the act of unlawfully possessing a diploma and demanding a ransom as a condition for its return fulfills the elements of Article 374 of the Criminal Code (KUHP) regarding embezzlement in a position of trust.²¹ In this context, the company abuses the authority inherent in the employment relationship to unlawfully possess another person's property, in this case, a diploma. The imposition of a disproportionate ransom, such as Rp35,000,000 in the case of Ragil Firmansyah, further strengthens the existence of elements of extortion, which can be prosecuted under Article 368 of the Criminal Code (KUHP).

Fifth, the dimension of personal data protection is also a relevant aspect to consider in the analysis of this case. A diploma is not merely an ordinary academic document; it contains sensitive personal identity information, including the full name, national identification number (NIK), educational institution, and the holder's academic achievements. The possession of documents containing such personal data by a third party without valid consent and without clear time limits constitutes a violation of the principles of personal data protection. Under the framework of Law Number 27 of 2022 concerning Personal Data Protection, any processing and possession of an individual's personal data must be based on a valid legal basis, be conducted proportionally, and be limited to the purposes expressly agreed upon by the data subject. The withholding of diplomas by the employer clearly fails to meet any of these three requirements, thereby adding another layer of legal violation inherent in the corporate practices of PT Mega Sanel Lestari.

²¹ S. M. Siregar, Erdianto, dan L. Diana, "Penegakan Hukum terhadap Perusahaan yang Melakukan Penahanan Ijazah Berdasarkan Pasal 374 KUHP tentang Penggelapan oleh Kepolisian Resor Kota Pekanbaru," *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau (JOM)* 5, no. 2 (2018): 10, <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/22001>.

Sixth, when viewed more deeply from the aspect of contract law, the withholding of diplomas as a clause in an employment contract also contradicts the principle of balance (*evenwichtigheid*), which is one of the fundamental principles of modern contract law. The principle of balance requires that the rights and obligations arising from an agreement must be distributed proportionally between the parties, ensuring that no party bears a burden that far exceeds the benefits gained from the contractual relationship. In the diploma-withholding clause, the burden is borne entirely by the worker in the form of the loss of access to their vital documents, while the benefits accrue exclusively to the employer, who gains unlimited control over the worker's mobility. This extreme imbalance reinforces the argument that such a clause arises from the abuse of circumstances (*misbruik van omstandigheden*), where the economically stronger party exploits the vulnerability of the weaker party to impose their will during the drafting process of the contract.²²

In summary, the multi-layered analysis from various legal perspectives outlined in this sub-section confirms that the practice of withholding diplomas by PT Mega Sanel Lestari is not an isolated, singular violation, but rather a series of interrelated legal breaches that reinforce one another. An adequate legal response to such practices must, therefore, be multidimensional, encompassing the simultaneous enforcement of administrative, civil, and criminal law, supported by comprehensive regulatory reform to close the legal loopholes that have historically provided a refuge for labor exploitation disguised as employment contracts.

²² Agus Yudha Hernoko, "Asas Proporsionalitas dalam Kontrak Komersial dan Ketenagakerjaan," *Jurnal Hukum Lus Quia Iustum* 29, no. 1 (2022): 112–115.

3.3. Legal Implications and Reconstruction of Labor Rights Protection

This incident underscores the urgency of restoring workers' rights through firm and integrative legal mechanisms. In terms of corrective justice, workers are entitled to pursue two legal paths simultaneously. First, the criminal path: reporting the extortion (Article 368 of the Criminal Code) regarding the diploma ransom to the police. Second, the civil path: filing a tort claim (*onrechtmatige daad*) based on Article 1365 of the Civil Code to demand damages for sub-minimum wage (UMK) payments received during the employment period, as well as non-material damages for the time the diploma was withheld.²³ These two paths are not mutually exclusive and can be pursued simultaneously to ensure comprehensive restoration of rights for the victims.

In terms of the effectiveness of institutional pressure, the corporate compliance in returning 7 diplomas by mid-May 2025 proves that aggressive government intervention—through the synergy of the Deputy Minister of Manpower, the Governor of Riau, the Regional House of Representatives (DPRD), and the Public Order Agency (Satpol PP)—is the key factor in compelling corporate compliance, especially against entities that demonstrate *legal disobedience* by skipping three official state summons.²⁴ This simultaneously confirms that a purely persuasive approach is ineffective when dealing with corporations that consciously choose to ignore their legal obligations.

In terms of systemic resolution, the PT Mega Sanel Lestari case must serve as a precedent for the Manpower Office (Disnaker) to conduct strict

²³ D. Y. Mercury, A. Widjiastuti, dan P. Paula, “Perlindungan Hukum bagi Karyawan yang Dirugikan Akibat Penahanan Ijazah oleh Pihak Berwenang Terkait Hak Asasi Manusia,” *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 2 (2024): 145

²⁴ “Pimpinan PT Sanel Mega Lestari Klarifikasi Soal Ijazah Mantan Karyawan dan Respons terhadap Sidak Wamenaker,” *Riau Pos*, 15 Mei, 2025

supervision of all expedition and travel companies in Riau to ensure there are no more instances of modern slavery disguised as employment contracts.²⁵ Periodic and comprehensive labor audits are required, particularly concerning clauses in employment contracts that potentially infringe upon workers' fundamental rights. Furthermore, there must be regulations that explicitly prohibit the withholding of workers' personal documents, accompanied by strict criminal sanctions, so that there is no longer any legal gray area that can be exploited by corporations.

Withholding diplomas is not merely an administrative violation; it is an assault on human dignity that cannot be justified by economic reasons, the cost of training investments, or any business rationale whatsoever. The state has a constitutional responsibility to ensure that every working citizen receives proper protection, free from all forms of exploitation and coercion that hinder the fulfillment of their fundamental rights as human beings.

Beyond the resolution mechanisms described above, the PT Mega Sanel Lestari case also opens a discussion on the need for a comprehensive reform of the employment agreement system. Currently, there is no standard verification mechanism that requires the Manpower Office to review the clauses of employment agreements before the employment relationship begins. As a result, exploitative clauses like diploma withholding can easily be inserted into contracts without any screening by the relevant authorities. A mandatory registration and verification system for employment agreements needs to be considered as a preventive measure so that clauses contrary to the law can be identified and eliminated from the outset, long before they result in victims.

In terms of long-term protection, empowering workers through legal education is a component that cannot be ignored. Many workers, especially

²⁵ M. Nurseha, T. Handayani, dan A. Mulyana, "Perlindungan Hak Pekerja terhadap Tindakan Penahanan Ijazah oleh Perusahaan sebagai Pelanggaran Hubungan Industrial," *Indonesian Journal of Law and Justice* 2, no. 4 (2025)

those with secondary education, are unaware that diploma-withholding clauses in employment contracts are legally invalid. This ignorance is systematically exploited by employers who have a better understanding of their legal position. Employment legal literacy programs organized periodically by local governments, legal aid institutions, and labor unions are essential investments to create a workforce that is aware of its rights and capable of effective legal resistance if those rights are violated.²⁶

On the other hand, the participation of labor organizations or trade unions in monitoring employment agreement clauses needs to be strengthened institutionally. Strong and independent trade unions can serve as the front line in detecting exploitative practices in the workplace before they escalate into massive violations. Existing regulations should provide broader space for trade unions to be involved in the process of drafting and reviewing employment agreements, ensuring that no party can unilaterally insert clauses that harm workers' interests. Synergy between government labor inspectors and trade unions at the company level is a dual-oversight model that has proven effective in many countries in preventing the violation of workers' fundamental rights.

It is also important to highlight the psychological dimension experienced by victims of diploma withholding. Research in industrial psychology shows that working conditions accompanied by coercion and threats consistently result in high levels of stress, decreased productivity, and impaired mental well-being for workers. Workers who know that their diplomas are being held by their employer tend to experience chronic anxiety, a sense of helplessness, and an inability to make rational decisions regarding their careers. These psychological impacts are long-term and cannot always be fully resolved even after the diploma has been returned. Therefore, the mechanism for restoring rights for

²⁶ Bivitri Susanti, "Edukasi Hukum sebagai Instrumen Perlindungan Hak Pekerja dalam Hubungan Industrial," *Jurnal Hukum & Pembangunan* 56, no. 2 (2026): 210–214.

victims of diploma withholding should also include access to counseling services and adequate psychosocial support, rather than being limited solely to the physical return of the documents.

From a comparative law perspective, several Southeast Asian countries, such as the Philippines and Thailand, have already implemented regulations that explicitly prohibit the withholding of worker documents as part of their anti-human trafficking and anti-modern slavery policies. Indonesia, as the country with the largest workforce in the region, should adopt a similar approach by issuing clear, comprehensive regulations accompanied by effective enforcement mechanisms. The experiences of these countries can serve as a valuable reference in designing a national regulatory framework capable of closing the legal loopholes that have been exploited by corporations to perpetuate exploitative practices against labor.²⁷

4. Conclusion

The analysis of industrial relations practices at PT Mega Sanel Lestari in Pekanbaru demonstrates that the withholding of employee diplomas constitutes an abuse of circumstances (*misbruik van omstandigheden*) that undermines workers' rights and the principles of Indonesian labor law. Such practices may affect the validity of employment agreements, restrict workers' autonomy and mobility, and raise concerns from both human rights and forced-labor perspectives. The company's alleged non-compliance with official summons and the demand for payment as a condition for returning diplomas further indicate weaknesses in corporate compliance and labor oversight. Therefore, resolving the case should extend beyond restoring the affected workers' rights toward strengthening preventive labor supervision through periodic audits, effective sanctions, and continuous data-driven monitoring. This approach is necessary to prevent similar exploitative practices and ensure

²⁷ K. A. Santoso, "Harmonisasi Regulasi Ketenagakerjaan di Asia Tenggara: Studi Perbandingan Larangan Praktik Penahanan Dokumen Pekerja," *Jurnal Hukum Global dan Regional* 5, no. 3 (2025): 210–15.

that the protection of workers' dignity and rights remains a fundamental obligation of the state.

Acknowledgement

The author wishes to express their deep appreciation and gratitude to all parties who assisted in the completion of this research, particularly the Manpower Office and Commission V of the Riau Provincial Regional House of Representatives (DPRD) for the transparency of the data and information provided during the case analysis process.

References

- Adisti, Putu Cantika, and Kadek Agus Sudiarawan. "Perlindungan Hukum Atas Penahanan Ijazah Asli Pekerja Oleh Pemberi Kerja Pada Perjanjian Kerja Waktu Tertentu." *Kertha Semaya: Journal Ilmu Hukum* 12, no. 4 (2024): 658–668. <https://doi.org/10.24843/KS.2024.v12.i04.p11>.
- Afkarina, I. *Analisis Yuridis Perubahan Pengaturan Penggunaan Tenaga Kerja Asing Dalam Hukum Ketenagakerjaan Di Indonesia*. 2024.
- Aini, Nur, and Taufik Ansari. "Tinjauan Hukum terhadap Hubungan Kerja: Tindakan Penahanan Ijazah Karyawan oleh Perusahaan Berdasarkan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan." *Jurnal Ilmiah Wahana Pendidikan* 10, no. 14 (2024): 805–810.
- Angelia, Grace. "Perlindungan Hukum Terhadap Pekerja Akibat Pemutusan Hubungan Kerja (PHK) Sepihak Berdasarkan Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan (Studi Putusan Pengadilan Negeri Bandung Nomor 211/PDT.SUS-PHI/2018/PN.BDG)." *Jurnal Hukum Adigama* 3, no. 1 (2020).
- Fuad, and O. S. Riyanto. "Perspektif Hak Asasi Manusia terhadap Penahanan Ijazah Asli dalam Perjanjian Kerja oleh Perusahaan." *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia* 2, no. 1 (2023): 68. <https://doi.org/10.37631/jrkhm.v2i1.18>.

- Hanipa, Aumalia, and Nikmah Dalimunthe. "Kontrak Kerja Dalam Hukum Bisnis Ketenagakerjaan: Analisis Perlindungan Hukum Hak Dan Kewajiban Para Tenaga Kerja." *Jurnal Hukum Bisnis Islam* 13, no. 1 (2023).
- Hernoko, Agus Yudha. "Asas Proporsionalitas dalam Kontrak Komersial dan Ketenagakerjaan." *Jurnal Hukum Lus Quia Iustum* 29, no. 1 (2022): 112–115.
- Indonesia. Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia. Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165.
- International Labour Organization. *Convention concerning Forced or Compulsory Labour* (No. 29). Geneva: ILO, 1930.
- Khandhi, Shinta Ventia Nila, Andrie Irawan, and Yudhi Widyo Armono. "Implikasi Yuridis Penahanan Ijazah Oleh Pemberi Kerja Dalam Hubungan Kerja Berdasarkan Hukum Ketenagakerjaan Di Indonesia." *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 2 (2025): 1368–1376. <https://doi.org/10.62976/ijijel.v3i2.1124>.
- Mercury, D. Y., A. Widjiastuti, and P. Paula. "Perlindungan Hukum bagi Karyawan yang Dirugikan Akibat Penahanan Ijazah oleh Pihak Berwenang Terkait Hak Asasi Manusia." *Aliansi: Jurnal Hukum, Pendidikan dan Sosial Humaniora* 1, no. 2 (2024): 145.
- Mokobombang, Madinah, Riadi Asra Rahmad, Yudi Krismen US, Aliman, and Karman Jaya. "Aspek Pidana Dalam Penahanan Ijazah Oleh Perusahaan Berdasarkan KUHP Dan UU Ketenagakerjaan." *Jurnal Kolaboratif Sains* 8, no. 6 (2025): 2959–2966. <https://doi.org/10.56338/jks.v8i6.7820>.
- Nurseha, M., T. Handayani, and A. Mulyana. "Perlindungan Hak Pekerja terhadap Tindakan Penahanan Ijazah oleh Perusahaan sebagai Pelanggaran Hubungan Industrial." *Indonesian Journal of Law and Justice* 2, no. 4 (2025).
- Pratama, A. P., and R. H. Wijaya. "Penegakan Hukum Administratif terhadap Pelanggaran Kepatuhan Korporasi: Studi Kasus Penyevelan di Kota Pekanbaru." *Jurnal Hukum Lingkungan dan Pemerintahan Daerah* 8, no. 2 (2026): 54–59.

- Santoso, K. A. “Harmonisasi Regulasi Ketenagakerjaan di Asia Tenggara: Studi Perbandingan Larangan Praktik Penahanan Dokumen Pekerja.” *Jurnal Hukum Global dan Regional* 5, no. 3 (2025): 210–215.
- Siregar, S. M., Erdianto, and L. Diana. “Penegakan Hukum terhadap Perusahaan yang Melakukan Penahanan Ijazah Berdasarkan Pasal 374 KUHP tentang Penggelapan oleh Kepolisian Resor Kota Pekanbaru.” *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau (JOM)* 5, no. 2 (2018): 10. <https://jom.unri.ac.id/index.php/JOMFHUKUM/article/view/22001>.
- Susanti, Bivitri. “Edukasi Hukum sebagai Instrumen Perlindungan Hak Pekerja dalam Hubungan Industrial.” *Jurnal Hukum & Pembangunan* 56, no. 2 (2026): 210–214.
- Wiryawan, I. Gede. “Aspek Pidana dari Menahan Ijazah Pekerja sebagai Jaminan dalam Perjanjian Kerja.” *Jurnal Magnum Opus* (2021): 15.
- Zulkifli, Akhmad. “Tinjauan Yuridis Praktek Penahanan Ijazah Pekerja Oleh Pemberi Kerja Dalam Kesepakatan Perjanjian Kerja.” *Wasaka Hukum* 12, no. 2 (2024): 52–69.
- DPRD Provinsi Riau. “Komisi V Mengadakan RDP Lanjutan dengan Disnakertrans Provinsi Riau terkait Dugaan Penahanan Ijazah.” May 14, 2025. <https://dprd.riau.go.id>.
- Gilangnews.com. “Korban Penahanan Ijazah di Pekanbaru: Ikhsan Dipaksa Bayar Rp2,5 Juta untuk Ambil Ijazah.” May 11, 2025. <https://gilangnews.com>.
- Riau Pos. “Pimpinan PT Sanel Mega Lestari Klarifikasi Soal Ijazah Mantan Karyawan dan Respons terhadap Sidak Wamenaker.” May 15, 2025. <https://riaupos.co>.