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IMPACT OF UPSTREAM ACQUISITION HOLDING OF MULTINATIONAL COMPANIES ON WORKER RESTRUCTURING IS REVIEWED FROM LAW NO.25 YEAR 2007 ABOUT CAPITAL INVESTMENT AND LAW NO.13 YEAR 2003 ABOUT LABOUR LAW

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ABSTRACT

Authorities of the multinational parent company which domicile outside of Indonesia to do restructuring to Indonesia's workers. The restructuring action occurs due to lacuna of law which has not set about the restriction of the authority of the parent company which is outside the territory of Indonesia and it is not established in Indonesia and it is contradiction with article 151 paragraph (1) of law No. 13 Year 2003 about Labour Law and article 3 paragraph (2b) of the Act No. 25 About Investing, where capital investment is aimed at creating jobs and labour welfare. This research is utilizing three theories i.e. the theory of legal protection by Philipus m. Hadjon), theory of law Pancasila by B. Arief Sidharta and the theory of investment law dependence. The research will adopt normative legal research with applying legal statute approach and analytical and conceptual approach. This paper research by reviewing the regulation, doctrine, books, and journals. This method is not only merely describe the norm presented to objects but the method will find the solution and answer of the issue. This research argues that absence of the labor law protection from abroad implication is not in line. The researchers found out that lacuna of law to arrange the limitation of the authorities of the parent company of multinational which is not established Indonesia and it has a big authority to restructure the labour in its affiliation company in Indonesia. Researchers recommend to creating new law to fill the lacuna of law and government must pro active and fast action to monitor and update the multinational company data and information from in domestic or abroad.

Keynote: *Implication of Upstream Acquisition to Labor Restructuring*

