

The Perspective of Dignified Justice and Human Rights in Business Law Agreements: Towards Ethical and Fair Contracts

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Abstract

The application of the principles of dignified justice and Human Rights (HAM) in business contract law in Indonesia has a very important role in creating economic growth that brings prosperity to all parties. Dignified justice must be carried out by the parties to the agreement so that the objectives of the agreed agreement can be achieved properly. The increasingly complex business contracts often reveal an imbalance in the fulfillment of rights between the parties involved. This situation can result in violations of the principles of justice and human rights, especially for parties whose position is weaker in an agreement, resulting in quite a few business disputes resulting from business agreements that have been made. Therefore, business law has a very important role in safeguarding and protecting the interests of the parties in business agreements. This journal aims to explain the importance of the principle of dignified justice in creating balance between the parties to an agreement, explain the role of human rights as a basis for protecting the fundamental rights of the parties to an agreement, and to identify challenges in implementing the principles of dignified justice and human rights in improving the quality of business agreements in Indonesia.

1. Introduction

The development of business and the economy in Indonesia is increasing along with the era of globalization that continues to run. This is indicated by the increasingly complex use of contracts or business agreements, where the existence of these contracts shows that companies in Indonesia are increasingly professional and have a high commitment to running their business. Business agreements or contracts must be made with the right basis or foundation and provide legal certainty for each party involved, with the agreement or business contract it is hoped that the parties can carry

out their obligations properly, and all their rights are fulfilled properly. A business contract is the first step to move together to achieve a common goal. A good contract should be able to describe the general will or desire of the parties into real legal actions that can be carried out by the parties so that the objectives of the contract made beforehand are achieved.¹ After the business agreement is agreed by the parties, the parties must both have good faith to carry out the contents of the business agreement. Business development in Indonesia in addition to providing financial benefits for those who run it, is also a driving factor to make Indonesia a developed country following other developed countries. Business ventures function as an enterprising movement in an excellent innovative environment that empowers a positive commitment to monetary development, this means that the level and type of pioneering actions and their relationship with financial development must change efficiently in various systems with innovative steps.²

The development of the business is in line with the preparation or formation of a business contract that is fair and does not violate human rights (HAM), because a good agreement or contract will produce good performance so as to create a healthy business and provide benefits for the parties. However, business agreements are often influenced by unbalanced bargaining power between the parties involved in the agreement, so that it becomes unfair and the one who will be most disadvantaged is the party in a weaker position. As a small example, in labor contracts, employers often demand many rights from their workers, but employers do not provide commensurate wages to their workers. A business agreement made by the parties must be based on Article 1320 of the Civil Code (KUHPerdota) which regulates the conditions for the validity of an agreement: the agreement of the parties who bind themselves in the agreement, the capacity to make an agreement, the agreement is made regarding a certain matter/object, and a halal cause. The principle of agreement in this article can provide certainty that the agreement is made voluntarily or without coercion and is fair to the parties who bind themselves in the agreement. Unethical or unfair business agreements can trigger exploitation of the weaker party in the agreement, because parties with greater power tend to be oriented towards higher profits or income so that they do various ways to achieve their profits, including by increasingly suppressing weaker parties. If this continues to happen without any solution or handling, then business progress in Indonesia will only benefit certain parties who have the power, and suppress or fool those in a weaker position, and the agreed business agreement will become a conflict for the parties because of injustice.

¹ Priyono, "Aspek Keadilan Dalam Kontrak Bisnis Di Indonesia (Kajian Pada Perjanjian Waralaba)," *Law Reform* 14, no. 1 (2018): 15.

² Desak Ayu Bhagawati, Pande Ketut Ribek, and Yenny Verawati, "Pembangunan Ekonomi Di Indonesia Melalui Peran Kewirausahaan," *Jurnal Ilmu Sosial* 1, no. 1 (2022): 77–86.

The conflict will develop into a dispute if the aggrieved party expresses dissatisfaction with the party who caused harm to the other party.³

Dignity justice is a concept that not only emphasizes formal justice, but also respect for human dignity in business transactions. In the context of business agreements, the principle of dignified justice requires all parties to respect, appreciate and recognize the basic rights of each other, including when there are differences in power and position in the business agreement. In terms of realizing justice with dignity, it is explained that efforts to realize justice are not only carried out by upholding legal norms, but also need to uphold societal norms, one of which is in the form of ethical norms.⁴ Therefore, understanding the importance of dignified justice in business agreements must be understood by all parties and must become ethics to achieve the objectives of business agreements. Human rights are the fundamental rights of every individual that include the right to life in the political, legal, economic, social and cultural fields.⁵ The fulfillment of human rights is not only intended for certain parties who have power, but all Indonesian people have the same rights to be recognized and fulfilled as human beings, including in their engagement in business agreements. The Indonesian economy, which continues to improve, is inseparable from the influence of globalization and digitalization which makes it easier for people to start their business and find their best business partners. The development of a country's economic level is not only based on the increasing income of its people, more important than that is the awareness of its people in fulfilling basic rights in carrying out business agreements or contracts that have been made.

The importance of dignified justice and human rights in carrying out a business agreement must be impregnated and lived by all Indonesian people, because now anyone can start their business even if only through the communication tools they have, because this is the impact of technological developments, thus creating business digitalization. The concept of business digitization, which involves changing from physical to virtual forms, including transactions and integration of company systems, has provided improvements in work efficiency and reduced human involvement, produced more optimal results, and involved a wider range, and the impact of technology on business is quite meaningful, even potentially reducing the unemployment rate.⁶ Dignified justice and the fulfillment of human rights between

³ Isdian Anggraeny et al., "Pendampingan Hukum Pengusaha UMKM Dalam Penyelesaian Sengketa Kontrak Bisnis," *CARADDE: Jurnal Pengabdian Kepada Masyarakat* 3, no. 3 (2021): 528.

⁴ Fradhana Putra Disantara, "Perspektif Keadilan Bermartabat Dalam Paradoks Etika Dan Hukum," *Jurnal Litigasi* 22, no. 2 (2021): 205–29.

⁵ Dewa Gede Sudika Mangku, "Pemenuhan Hak Asasi Manusia Kepada Etnis Rohingnya Di Myanmar," *Perspekti Hukum* 21, no. 1 (2015): 3.

⁶ Agus Rohmat Hidayat, Nur Afifah, and Agis Ahmad Rodiansjah, "Kontribusi Digitalisasi Bisnis Dalam Menyokong Pemulihan Ekonomi Dan Mengurangi Tingkat Pengangguran Di Indonesia," *Syntax Idea* 5, no. 9 (2023): 1–11.

the parties involved in business agreements will determine the progress and prosperity of society in general. The purpose of writing this journal is to explain the importance of the principle of dignified justice in creating a balance between the parties in a business agreement, to explain the role of human rights as a basis for protecting the fundamental rights of the parties to the agreement, and to identify the challenges of applying the principles of dignified justice and human rights in improving the quality of business agreements in Indonesia.

2. Research Methods

The Legal research is conducted as an effort to examine and analyze the law as a phenomenon that occurs in the life of society and as a norm that regulates the social life of society. With legal research, we can find out and understand the laws that are produced whether they have provided benefits to society or not, and as a means of evaluating legal policies that have been issued. Peter Mahmud Marzuki, said that legal research is a process to find legal rules, legal principles and legal doctrines in order to answer the legal issues faced.⁷ The type of research in this study is normative research or commonly referred to as library legal research. In contrast to empirical legal research, Normative Legal research focuses on understanding rules or policies, applicable norms and conformity between rules and norms. Peter Mahmud Marzuki, said that legal research is a process to find legal rules, legal principles and legal doctrines in order to answer the legal issues faced.⁸ Data collection techniques in the research through document studies, namely studying various laws and regulations, related journals, and other legal literature, which are then analyzed in depth. This approach allows researchers to understand the dynamics of regulations and theories underlying the research topic. The data analysis technique used is qualitative analysis, where this research begins with a review of existing legal theories and concepts, then applied to describe the concept of the importance of dignified justice in business agreements, show the role of human rights in protecting the interests of the parties in business agreements, and identify challenges in applying the principles of dignified justice and human rights in business agreements in Indonesia.

3. Results and Discussion

The Importance of Dignified Justice in Business Agreements

Justice is the benchmark of a rule that must be upheld by the Indonesian people together, justice is one of the ways to lead the Indonesian people to peace, security and harmony in society. Justice cannot be upheld by only a few parties in society, it requires the involvement of all parties from various layers in society to create justice

⁷ Peter Mahmud Marzuki, *Penelitian Hukum* (Surabaya: Kencana, 2016).

⁸ Sri Mamudji Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 17th ed. (Jakarta: Rajawali Pers, 2015).

in social life. Including in running a business that begins with a business agreement also requires the principle of justice that is dignified by the parties, so that the planned business or designed cooperation can run well and be mutually beneficial. The understanding or definition of the system concept adopted in the theory of dignified justice is a set of principles or principles and positive legal rules that are an inseparable and very important part of the positive legal system, closely related to one another in a unified goal.⁹ The complexity of business agreements in Indonesia shows the increasing number of business movements in Indonesia that can increase national economic growth. For a nation or state, the achievement of economic growth rates as planned or estimated, the success of reducing unemployment and creating inflation stabilization is a measure of the success of policies in the country's economy.¹⁰ One of the main steps that can be taken to achieve this is by implementing business agreements that contain dignified justice. The theory of justice with dignity means that the theory of justice is based on the values of Pancasila, especially the second principle, namely the principle of fair and civilized humanity and is guaranteed by the first principle of Godhead.¹¹

Thus, legal justice in Indonesia is justice that humanizes people.¹² Dignity justice in making and implementing business agreements or contracts is an important principle to ensure that business relationships and sustainability run ethically, fairly, with mutual respect, and respect for the dignity of each party involved in business agreements. Dignity justice can provide certainty that the interests of each party are respected and without any party being disadvantaged by the disproportionate content of the agreement. This principle must continue to be strengthened along with the development of increasingly complex businesses, because often in a business made with complex agreements and involving many parties with various backgrounds, strengths and different interests. Dignified justice in carrying out business agreements has a very important role to maintain equality and avoid inequality between the parties involved, with dignified justice can ensure that no party dominates or harms the other party unilaterally. In carrying out business agreements, it is often found that there are parties who have a stronger position or greater resources so that they are more likely to intimidate other parties in a weaker position. Inequality in business agreements can lead to conflict between parties which could be the beginning of a business law dispute, which can actually be avoided from

⁹ Teguh Prasetyo, *Hukum Dan Teori Hukum Perspektif Teori Keadilan Bermartabat* (Bandung: Nusa Media, 2020).

¹⁰ Teguh Prasetyo, *Pembaharuan Hukum: Perspektif Teori Keadilan Bermartabat* (Malang: Setara Press, 2017).

¹¹ Christina Angelita, "Implementasi Teori Hukum Keadilan Bermartabat Dalam Hukum Investasi," *Kertha Wicaksana* 18, no. 2 (2024): 19–26, <https://doi.org/10.22225/kw.18.2.2024.19-26>.

¹² Fradhana Putra Disantara, Bayu Dwi Anggono, and A'An Efendi, "Mendudukkan Norma Etika: Perspektif Teori Keadilan Bermartabat Terhadap Relasi Etika Dan Hukum," *Rechtsidee* 10, no. 2 (2022): 1–13, <https://doi.org/10.21070/jihr.v10i0.773>.

the start by both holding the principle of dignified justice.

The parties or business actors who enter into an engagement in a business agreement must have good ethics in carrying it out, in making a business agreement should not only be based on personal interests or group interests, but the parties must also understand that the government has provided restrictions or several prohibitions in making business agreements. This is stated in Chapter III Article 4 through Article 16 of Law Number 5 Year 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, the regulation aims to protect fairness in business competition, and supports equality or equality in negotiating to reach a mutual agreement. Business and the economy in Indonesia continue to grow with various innovations, creativity and readiness from business actors. This progress is certainly inseparable from digital transformation which is the main pillar in the economy in Indonesia, and business actors in Indonesia also have a high interest in continuing to take advantage of existing digitalization, this can be seen from the many micro, small and medium enterprises (MSMEs) that are now utilizing various digital platforms to expand marketing. Consumers and businesses today often utilize e-commerce and other digital economies to facilitate transactions. Social media platforms and websites allow businesses to interact with customers, receive feedback, and establish lasting relationships, the use of digital technology in business can also help improve operational efficiency, and facing business development in the digital era, there needs to be proper awareness and education for business people so that technology can be utilized properly and does not have a negative impact.¹³

Digitalization in business development must be based on legal regulations to ensure the protection of the rights and fulfillment of the obligations of the parties, Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) is the legal basis for valid and dignified electronic agreements, as well as ensuring the security and confidentiality of digital information data. Specifically, Article 17 paragraph (2) of the ITE Law states that "The parties to an Electronic Transaction as referred to in paragraph (1) must act in good faith in interacting and/or exchanging Electronic Information and/or Electronic Documents during the transaction." which means that the parties to an electronic contract or agreement must both act in good faith or good ethics to create dignified justice for the parties. In addition to the development of business digitalization in Indonesia, the development of Islamic economics in Indonesia is currently also experiencing very good growth, considering that Indonesia is a country with a majority Muslim population, where Islam has provided principles for its adherents in making business agreements.

Adiwarman Karim in his work entitled *The Application of Islamic Sharia in*

¹³ Risha Shindyani Halim, Tofik Yanuar Chandra, and Hedwig Adianto Mau, "Perkembangan Bisnis Di Era Digital," *Jurnal Multidisiplin Indonesia* 2, no. September (2023): 3048–74.

the Economic Field suggests several principles of Islamic economics consisting of: *Aqidah, Al Aadalah (justice), Nubuwwah, Khilafah, and Ma'ad*.¹⁴ These principles are to avoid injustice or persecution in business agreements made, so as to create dignified justice for the parties involved in the business agreement. The principle of dignified justice embedded in each party in carrying out a business agreement will increase trust and long-term sustainability of the business agreement. Business agreements that can last for a long period of time until the extension of the agreement period show that the parties already trust each other and have high enough loyalty, and show that the parties do not feel disadvantaged.

The Role of Human Rights as a Foundation for Protecting the Fundamental Rights of the Parties in Business Agreements

The definition of human rights based on Law Number 39 of 1999 concerning Human Rights is a right inherent in the nature and existence of human beings as creatures of God and is a gift that must be respected, upheld and protected by the state, law, government and everyone. Human rights play an important role in ensuring that the fundamental rights of individuals and groups are protected in business agreements or contract law. Business agreements that are made by mutual agreement and fulfill the legal requirements of the agreement in accordance with Article 1320 of the Civil Code must not override human rights so that the purpose of making the agreement can be achieved and provide maximum benefit to the parties. Every human being who is born into the world has human rights that cannot be separated from him, including when the human being is an adult and enters into an engagement or business agreement, his human rights cannot be separated. If the parties to a business agreement do not ignore the human rights of the other parties, both the bound parties and other parties outside the agreement but still related to the results of the agreement, then the purpose of the business agreement will be achieved properly and fairly followed by as much profit or income as possible. The importance of a deep understanding of the law in the context of business agreements not only ensures legal protection for the parties involved, but also regulates the balance of diverse interests in it.¹⁵ Business agreements that are ethical and apply the principles of justice with dignity must be accompanied by mutual respect for human rights between the parties involved. Conversely, without the application of human rights in business agreements, parties in weaker positions such as workers or those who provide less business capital will be more vulnerable to injustice, even to exploitation. For example, workers may be forced to work in inappropriate conditions or receive

¹⁴ Adiwarman Karim and Imam Santoso, *Syariat Islam Di Indonesia Antara Peluang Dan Tantangan* (Jakarta: Globalmedia Cipta Publishing, 2004).

¹⁵ Mercy Gusriyani et al., "Perspektif Hukum Terhadap Perjanjian Bisnis," *Causa: Jurnal Hukum Dan Kewarganegaraan* 3, no. 12 (2024): 25–35.

wages far below the standard or initial agreement, of course this violates the right to welfare for workers. Law No. 13/2003 on Manpower has regulated workers' rights, including decent wages, occupational health, occupational safety, and protection from discrimination and exploitation.

Business agreements made between employers and workers must fulfill these regulations to create a good working environment and provide great benefits for the company.¹⁶ Workers as the weaker party in a work agreement will be more vulnerable to arbitrariness from the employer or the party in a stronger position, including for workers with a contract system or with a specific time work agreement often their rights as workers that have been mandated in the Manpower Law are not fulfilled. The era of globalization requires workers to compete with each other to prepare themselves to get the best job for themselves, the demand to further increase competitiveness is felt by employers in conducting international trade, because foreign investors who will invest in Indonesia prefer a work contract system that does not cause many problems rather than implementing permanent workers.¹⁷ So that this can be a factor in causing the economy in Indonesia not to progress as fast as other developed countries. Article 27 and Article 28 of the 1945 Constitution (UUD 1945) have guaranteed the basic rights of every citizen, including to be treated equally and free from discrimination which is the basis of human rights law in Indonesia, including in the scope of business agreements. Law No. 40/2008 on the Elimination of Racial and Ethnic Discrimination has provided a prohibition for anyone to discriminate based on race, ethnicity, or other fields to others, including in carrying out business agreements, so that business agreements made must provide justice for the parties regardless of race or other backgrounds. Discrimination is likely to occur in business agreements that are carried out without applying human rights, thus causing discrimination or inequality based on race, religion, gender, or other backgrounds.

This makes it unequal in carrying out business agreements or contracts and is likely to violate an individual's right to fair and equal treatment. So that if this happens, the agreed business agreement cannot run well and is likely to fail because the party whose human rights are not fulfilled will experience a decrease in productivity or activeness and motivation in carrying out the work agreed upon in the agreement, for parties who feel they are not valued in carrying out business agreements will tend to have low commitment and decreased motivation, as a result the company or business that is built will suffer losses. To respond to these challenges and problems, in March 2011, the United Nations endorsed the "Guiding Principles

¹⁶ Richard Posner, *Economic Approach to Law*, 9th ed. (New York: Wolters Kluwer Law and Business, 2012).

¹⁷ Fithriatus Shalihah, "Perjanjian Kerja Waktu Tertentu (PKWT) Dalam Hubungan Kerja Menurut Hukum Ketenagakerjaan Indonesia Dalam Perspektif Ham," *UIR Law Review* 01 (2017): 149.

on Business and Human Rights: "Implementation of the 'Protection, Respect and Remedy' Framework". These principles contain norms and an authoritative framework on corporate responsibility for human rights. The document is known as the UNGP (United Nations Guiding Principles on Business and Human Rights).¹⁸ In carrying out business agreements, human rights have an important role to ensure that the fulfillment of fundamental rights for the parties is well fulfilled and supports to achieve success in the agreed business. The implementation of human rights in business agreements will provide the right to equality or equality and non-discrimination to the parties, it ensures that every individual and company has the same opportunity to engage and participate in the agreed business cooperation without any prejudice.¹⁹ The application of human rights in business agreements also makes trusting openness between the parties to both obtain clear and complete information about the contents of the agreement, especially regarding the rights, obligations, risks and benefits of the agreement, so that no party is misled by the contents of the agreed business agreement.

The parties to the business agreement must also maintain the right to privacy of the parties involved, because in today's digital era, business agreements often involve the exchange of personal data, so the parties must both comply with data protection rules or regulations such as Law Number 27 of 2022 concerning Personal Data Protection, the aim is that no one misuses the personal data used in the business agreement. Business ethics in carrying out business agreements are very important to consider, business ethics cover the right behavior in doing business, including respecting the rights of consumers, employees, and society in general, business law has an important role in creating a fair business environment, as well as regulating standards and limits in business practices.²⁰ The application of human rights in business agreements is essential to create an ethical, fair, harmonious and sustainable business environment. Without the application of human rights, not only individuals or parties to business agreements will be harmed, but society at large and the economy in Indonesia will also be negatively affected or harmed.

The Challenges in Implementing the Principles of Dignity Justice and Human Rights in Improving the Quality of Business Agreements

Humans are social creatures who cannot live alone and will continue to need other people to run their lives so that social relations between humans occur. Establishing social relations between humans must be able to maintain these relations properly in order to create a conducive and harmonious life, one of the practices is to

¹⁸ Donald Earl Childress III, Michael D. Ramsey, and Christopher A. Whytock, *Transnational Law and Practice* (New York: Wolters Kluwer Law & Business, 2015).

¹⁹ Tracey Calvert, *Regulation, Compliance and Ethics in Law Firms* (London: Globe Law and Business Limited, 2020).

²⁰ Gusriyani et al., "Perspektif Hukum Terhadap Perjanjian Bisnis."

have good ethics in carrying out these social relations.²¹ Business agreements are one form of social relations between humans in carrying out their lives, therefore in making and carrying out business agreements the parties must have good ethics and good faith, so that the objectives of the business agreement can be achieved properly and mutually beneficial. Business ethics is studied not only to know about what business ethics is, but more importantly, business ethics aims to help business people decide on ethical business decisions.²² The agreed business agreement must be carried out based on the principles of dignified justice and the fulfillment of human rights of the parties to produce a quality business agreement. an agreement will provide great benefits if the parties have good faith to carry out the contents of the agreement that has been made.

The application of the principles of justice with dignity and human rights in business agreements faces various challenges, resulting in poor quality agreements. The party in a stronger position in a business agreement is likely to act arbitrarily towards the party in a weaker position because it ignores the principles of dignified justice and human rights. The first challenge is the lack of regulations that specifically regulate the protection of human rights and dignified justice in business agreements. Although there are various regulations that protect human rights in terms of labor and consumer protection, regulations that specifically regulate the application of human rights in business agreements are still missing. Many of the principles set out in the UN Guidelines on Business and Human Rights have not been fully adopted or applied in Indonesia's national regulations.²³ The second challenge is the lack of awareness among the parties to the business. Many companies or business actors, from the lower middle class to the more advanced ones, still do not fully understand the importance of human rights in running a business, because in general they are more focused on output or income ²⁴. This has the potential to lead to low implementation of the principle of fairness in business agreements, as business actors may see it as an additional burden rather than a long-term investment in the reputation and sustainability of the company.²⁵ The third challenge is the cultural and social context in Indonesia, where cultural differences and understanding of human

²¹ Rai Widiatmika et al., "The Problems Related to Potential Trademark Rights Infringement: Construction in Inclusive Legal Perspective on Unregistered Marks," *Jurnal Dinamika Hukum* 23, no. 3 (2023): 499–513, <https://doi.org/http://dx.doi.org/10.20884/1.jdh.2023.23.3.3724>.

²² Choirun Nisak, "Etika Bisnis Perspektif Etika Bisnis Syariah," *Journal of Economics and Business* 1, no. 2 (2023): 107–18, <https://doi.org/10.61994/econis.v1i2.204>.

²³ Muhammad Hafiz, *Kompilasi Jurnal HAM Komisi Nasional Hak Asasi Manusia, Jurnal Hak Asasi Manusia*, vol. 11, 2021, <https://doi.org/10.58823/jham.v11i11.88>.

²⁴ Pierre Thielbörger, "The 'Essence' of International Human Rights," *German Law Journal* 20, no. 6 (September 4, 2019): 924–39, <https://doi.org/10.1017/glj.2019.69>.

²⁵ Indah Dwi Qurbani and Ilham Dwi Rafiqi, "Bisnis Sektor Sumber Daya Alam Dan Hak Asasi Manusia Di Indonesia: Realitas Dan Tantangan," *Media Iuris* 5, no. 2 (June 2022): 259–84, <https://doi.org/10.20473/mi.v5i2.34348>.

rights are obstacles to equitable fulfillment of human rights, including in the context of business agreements²⁶. In some places, local values that may not be in line with universal human rights principles can be a challenge to apply human rights standards in business agreements thoroughly in all regions. It is often found that certain local values or customs that are considered reasonable or normal are applied in the implementation of agreements even though they are contrary to human rights values, so that the fulfillment of human rights in agreements cannot be fulfilled.²⁷

The fourth challenge is economic pressure and market competition²⁸, the growing economy in Indonesia goes hand in hand with the greater risk of the business being run, intense business competition often makes companies choose cost efficiency over compliance with human rights principles. Asset turnover reflects an important dimension of cost efficiency, that the higher the ratio between output (sales) and input (capital assets), the more likely a company is to achieve cost efficiency in utilizing its resources.²⁹ This can have an impact on the unfair treatment of weaker parties in business agreements such as workers who receive wages below the standard of work that has been completed. To overcome these challenges, the role and cooperation of the government, the general public including business actors and related institutions are needed to strengthen the application of the principles of justice with dignity and the fulfillment of human rights in carrying out business agreements, some efforts that can be done are by increasing socialization regarding the application of the principles of justice with dignity and the fulfillment of human rights, strengthening regulations, and encouraging the formation of an ethical and equitable business culture

4. Conclusion

The application of the principles of justice with dignity and human rights in business agreement law plays an important role in improving the quality and sustainability of business relationships. The principles of dignified justice and human rights provide a strong foundation to prevent inequality or discrimination and abuse of power in business agreements, especially to protect parties who are in a weaker position or who are vulnerable to being victims of injustice that may occur. The principle of dignified justice in the agreement includes several aspects, namely the

²⁶ Ken Setiawan, "Between Law, Politics and Memory: The Indonesian National Commission on Human Rights (Komnas Ham) and Justice for Past Human Rights Crimes," *Australian Journal of Asian Law* 19, no. 1 (2018): 117–30.

²⁷ Ekaterina Yahyaoui Krivenko, "Sex and Gender in International Human Rights Law through the Prism of the 'Women' Category in Recent Case Law," *Human Rights Law Review* 24, no. 2 (March 13, 2024), <https://doi.org/10.1093/hrlr/ngae012>.

²⁸ Stephen Townley, "Intervention's Idiosyncrasies: The Need for a New Approach to Understanding Sub-Forcible Intervention," *Fordham International Law Journal*, 2019.

²⁹ W. Brigita and A. Adiwibowo, "Pengaruh Strategi Tingkat Bisnis, Persaingan Pasar, Dan Leverage Terhadap Manajemen Laba," *Diponegoro Journal of Accounting* 6, no. 4 (2017): 1–13.

good faith of the parties, protection for the disadvantaged party, and equality in the fulfillment of the rights and obligations of the parties. When these aspects are applied, the parties can carry out the agreement with mutual respect, mutual care, transparency, and have the awareness to protect each other's human rights. Human rights have an important role in carrying out business agreements to ensure the fulfillment of fundamental rights for the parties is well fulfilled and supports to achieve success in the agreed business. The implementation of human rights in business agreements will provide the right to equality or equality and non-discrimination to the parties, it ensures that every individual and company has the same opportunity to engage and participate in the agreed business cooperation without any prejudice. However, the application of the principles of justice with dignity and human rights in improving the quality of business agreements experiences several challenges or obstacles that must be resolved together. the role and cooperation of the government, society in general including business people and related institutions are needed to strengthen the application of the principles of justice with dignity and fulfillment of human rights in carrying out business agreements, some efforts that can be done are by increasing socialization regarding the application of the principles of justice with dignity and fulfillment of human rights, strengthening regulations, and encouraging the formation of an ethical and fair business culture.

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