

**PENYELESAIAN PERSELISIHAN
PEMUTUSAN HUBUNGAN KERJA MELALUI MEDIASI
(STUDI KASUS PADA PT. HANEKA PUTRA PERDANA
DAN PT. SANWA PRESSWORK INDONESIA)**

INTISARI

Oleh
Purnama¹ dan Tata Wijayanta²

Penelitian ini bertujuan untuk mengetahui dan menganalisis (1) pilihan penyelesaian perselisihan pemutusan hubungan kerja di PT. Haneka Putra Perdana dan PT. Sanwa Presswork Indonesia melalui mediasi dan (2) tingkat keberhasilan mediasi dalam penyelesaian perselisihan pemutusan hubungan kerja di PT. Haneka Putra Perdana dan PT. Sanwa Presswork Indonesia. Penelitian deskriptif analitis dengan pendekatan normatif dan empiris. Penelitian di PT. Haneka Putra Perdana di Jakarta Barat dan PT. Sanwa Presswork Indonesia di Kota Bekasi, sampel secara purposive sampling dari tenaga kerja yang di Pemutusan Hubungan Kerja (PHK) sebanyak 10 (sepuluh) orang dari tahun 2016 sampai dengan tahun 2017, informan 4 (empat) orang. Pengumpulan data melalui studi kepustakaan, studi dokumen, kuesioner, dan wawancara.

Hasil penelitian dan pembahasan menunjukkan bahwa (1) Tenaga kerja dan pengusaha memilih mediasi sebagai penyelesaian sengketa pemutusan hubungan kerja karena penyelesaian relatif lebih cepat, dapat diwujudkan dalam 30 (tiga puluh) hari kerja. Biaya relatif murah, karena mediator sudah mendapat tunjangan fungsional dari pemerintah. Bersifat rahasia, tidak boleh diliput dan tidak dipublikasikan. Penyelesaian bersifat sama-sama menang artinya penyelesaian sengketa tanpa adanya pihak yang dirugikan atau dikalahkan. Hubungan kooperatif dan tidak emosional artinya penyelesaian sengketa dilakukan dengan pendekatan kerjasama yang berlandaskan kekeluargaan. (2) Penyelesaian perselisihan Pemutusan Hubungan Kerja pada PT. Haneka Putra Perdana dan PT. Sanwa Presswork Indonesia melalui mediasi pada tahun 2016 dan 2017 tingkat keberhasilannya sangat rendah (tidak ada yang berhasil), dimana dari 3 (tiga) permohonan semuanya diselesaikan melalui Anjuran, namun dari ketiga Anjuran yang dibuat oleh mediator tersebut semuanya tidak ada yang dilaksanakan oleh para pihak sehingga ketiga kasus tersebut dilanjutkan ke persidangan di Pengadilan Hubungan Industrial. Penyebab rendahnya tingkat keberhasilan mediasi antara lain adanya perbedaan persepsi para pihak yang bersengketa, perbedaan budaya, kekuatan tawar menawar yang tidak seimbang.

Berdasarkan hasil penelitian dan pembahasan maka disimpulkan bahwa (1) Memilih mediasi karena prosesnya cepat, biaya murah, sama-sama menang, hubungan kooperatif dan tidak emosional dan (2) Tingkat keberhasilannya sangat rendah karena adanya perbedaan persepsi, perbedaan budaya dan kekuatan tawar menawar yang tidak seimbang.

Kata kunci : Penyelesaian Perselisihan, Pemutusan Hubungan Kerja, Mediasi

¹ Mahasiswa Magister Ilmu Hukum Kelas Jakarta Fakultas Hukum Universitas Gadjah Mada Yogyakarta (purnama.jaksa@gmail.com)

² Dosen Magister Ilmu Hukum Kelas Jakarta Fakultas Hukum Universitas Gadjah Mada Yogyakarta (wijayanta@mail.ugm.ac.id)

RESOLUTION OF DISPUTE ON TERMINATION OF EMPLOYMENT THROUGH MEDIATION (CASE STUDY AT PT. HANEKA PUTRA PERDANA AND PT. SANWA PRESSWORK INDONESIA)

ABSTRACT

By
Purnama¹ and Tata Wijayanta²

This study aims to find out and analyze (1) the choice of resolving dispute on termination of employment at PT. Haneka Putra Perdana and PT. Sanwa Presswork Indonesia through mediation and (2) the success rate of mediation in resolving dispute on termination of employment at PT. Haneka Putra Perdana and PT. Sanwa Presswork Indonesia. This was an analytical descriptive study with normative and empirical approaches. Study at PT. Haneka Putra Perdana in West Jakarta and PT. Sanwa Presswork Indonesia in Bekasi City, a purposive sampling sample of workers who were terminated (PHK) as many as 10 (ten) people from 2016 to 2017, informants were 4 (four) people. Data collection was conducted through literature studies, document studies, questionnaires, and interviews.

The study results and discussion showed that (1) Workers and employers chose mediation as a dispute resolution for termination of employment because the settlement was relatively faster, could be realized in 30 (thirty) working days. The cost was relatively cheap since the mediator had received functional allowances from the Government. It was confidential, might not be covered and not published. The settlement was a win-win solution meaning that the dispute settlement had no party being harmed or defeated. It was cooperative and non-emotional relationships which meant that the settlement of dispute was carried out in a cooperative approach based on kinship. (2) Settlement of dispute on termination of employment at PT. Haneka Putra Perdana and PT. Sanwa Presswork Indonesia through mediation in 2016 and 2017 had very low success rates (none of which succeeded), of 3 (three) proposals, all were settled through Recommendations, but none of the three recommendations made by the mediator were carried out by the parties so the three cases were continued to trial at the Industrial Relations Court. The causes of the low success rate of mediation included differences in perceptions of the parties to the dispute, cultural differences, and unequal bargaining power.

Based on the study results and discussion, it was concluded that (1) Mediation was chosen because the process was fast, low cost, had win-win solution, cooperative and non-emotional relationship and (2) the success rate was very low because of differences in perceptions, cultural differences and unequal bargaining power.

Keywords: Settlement of Dispute, Termination of Employment, Mediation

¹ Student of Master of Law Science of Jakarta Class of Gadjah Mada University (purnama.jaksa@gmail.com)

² Lecturer of Master of Law Science of Jakarta Class of Gadjah Mada University (wijayanta@mail.ugm.ac.id)