

KEDUDUKAN PENGUSAHA DAN PEKERJA PASCA LAHIRNYA BAB IV KETENAGAKERJAAN UNDANG-UNDANG REPUBLIK INDONESIA NOMOR 11 TAHUN 2020 TENTANG CIPTA KERJA DITINJAU DARI TEORI KEADILAN

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis kedudukan hukum pekerja dan pengusaha pasca lahirnya BAB IV Ketenagakerjaan Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja ditinjau dari Teori Keadilan dan BAB IV Ketenagakerjaan Undang-undang Cipta Kerja ditinjau Teori Sistem Hukum.

Penelitian ini merupakan penelitian yuridis normatif yang bersifat deskriptif. Penelitian dilakukan melalui penelitian kepustakaan dengan cara studi dokumen atas bahan hukum primer, sekunder, dan tersier. Data hasil penelitian dianalisis secara kualitatif yang disajikan dalam bentuk deskriptif.

Berdasarkan hasil penelitian dan pembahasan dapat disimpulkan pertama bahwa terdapat kedudukan antara pekerja dan pengusaha dalam BAB IV Ketenagakerjaan Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja, dimana apabila dilihat dari sudut pandang teori keadilan peraturan perundang-undangan tersebut justru memperlemah kedudukan pekerja atas pengusaha. Kedua dari sudut pandang teori sistem hukum, BAB IV Ketenagakerjaan Undang-Undang No. 11 Tahun 2020 tentang Cipta Kerja masih memiliki beberapa kekurangan dalam hal substansi hukum yaitu metode yang digunakan dan muatan materinya, struktur hukum yaitu fakta yang melandasi pembentukannya, dan penerapannya, serta kultur hukum berupa banyaknya gejala yang ditimbulkan akibat pengesahan undang-undang tersebut karena kurangnya keterlibatan dan transparansi kepada publik.

Kata Kunci : Kedudukan, Bab IV Ketenagakerjaan, pekerja, pengusaha, keadilan, sistem hukum.

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**POSITIONS OF ENTREPRENEURS AND POST-BIRTH WORKERS
CHAPTER IV LABOR LAW OF THE REPUBLIC OF INDONESIA
NUMBER 11 OF 2020 CONCERNING EMPLOYMENT CREATION
REVIEWING FROM THE THEORY OF JUSTICE**

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ABSTRACT

This study aims to determine and analyze the legal position of workers and employers in Chapter IV of the Manpower Act 11 of 2020 concerning Job Creation in terms of Justice Theory and Chapter of the Job Creation Act in terms of Legal System Theory.

This research is descriptive normative juridical research. The research was conducted through library research by means of document studies on primary, secondary, and tertiary legal materials. The results of the research data were analyzed qualitatively which were presented in descriptive form.

Based on the results of research and discussion, it can be said first that there is a position between workers and employers in Chapter IV Manpower Law no. 11 of 2020 concerning Job Creation, which when viewed from a theoretical point of view, the laws and regulations weaken the position of workers over employers. Second, from the point of view of legal system theory, Chapter IV Manpower Law no. 11 of 2020 concerning Job Creation still has several shortcomings in terms of legal substance, namely the method used and the content of the material, the legal structure, namely the facts based on its formation and application, as well as legal culture in the form of turmoil caused by the ratification of the law due to lack of and transparency to the public.

Keywords: Legal Position, employment clusters, employee and employers, justice and the legal system.

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