

FULFILLMENT OF THE RIGHTS OF WORKERS WHO UNITERALY TERMINATION

(Case Study at PT Kino Indonesia, Tbk)
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ABSTRACT

This study aims to identify and analyze legal protection for workers who get Termination of Employment (PHK) at PT Kino Indonesia, Tbk, and to provide recommendations in formulating public policies to better regulate unilateral Termination of Employment (PHK).

The author uses the normative-empirical research method by examining the research results obtained from the field and then compared with the applicable laws and regulations. This research is descriptive-analytical through statutory and conceptual approaches by using data obtained through interviews and literature studies.

Based on the results of the research, it can be concluded that the termination of the employment relationship carried out by PT Kino Indonesia, Tbk for the five employees due to reasons of worker efficiency caused by the Covid-19 pandemic, was in accordance with the applicable laws and regulations, namely Article 154A, Government regulations in lieu of laws on the Job Creation Law. Disputes settlement between the two parties, could be resolved by bipartite negotiations. Settlement of industrial relations disputes was reflected the values contained in Pancasila industrial relations. Beside that, the termination of employment carried out by company was provided legal certainty for its workers, and it has made payment of severance pay and award money to the five workers who got layoffs as agreed in the existing Laws and Company Regulations.

Keywords: Law protection, Termination of Employment/layoff, industrial relations of Pancasila

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PEMENUHAN HAK PEKERJA YANG MENGALAMI PEMUTUSAN HUBUNGAN KERJA SEPIHAK

(Studi Kasus pada PT Kino Indonesia, Tbk)
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ABSTRAK

Penelitian ini bertujuan untuk mengetahui dan menganalisis perlindungan hukum bagi pekerja yang mengalami Pemutusan Hubungan Kerja (PHK) sepihak di PT Kino Indonesia, Tbk, dan memberikan rekomendasi dalam pembuatan kebijakan publik terkait Pemutusan Hubungan Kerja (PHK) yang dilakukan secara sepihak

Penulis menggunakan metode penelitian normatif-empiris dengan menelaah hasil penelitian yang didapat dari lapangan kemudian dibandingkan dengan peraturan perundang-undangan yang berlaku. Penelitian ini bersifat deskriptif-analitis, melalui pendekatan perundang-undangan dan pendekatan konseptual, dengan menggunakan data yang didapat melalui wawancara dan studi kepustakaan.

Berdasarkan hasil penelitian dan pembahasan, dapat disimpulkan bahwa perlindungan hukum terhadap kelima pekerja yang mengalami PHK karena alasan efisiensi pekerja akibat pandemic Covid-19, yaitu dengan diterapkannya peraturan perundang-undangan yang berlaku, yaitu Pasal 154A Peraturan Pemerintah Pengganti Undang-undang tentang Cipta Kerja. Perselisihan kedua belah pihak dapat diselesaikan secara musawarah mufakat melalui perundingan bipartit. Penyelesaian perselisihan hubungan industrial ini, telah mencerminkan nilai-nilai yang terkandung dalam hubungan industrial Pancasila sejak awal proses PHK. Disamping itu, para pekerja yang mengalami pemutusan hubungan kerja telah mendapatkan perlindungan hukum yang memadai, dengan dibayarkannya uang pesangon dan uang penghargaan sesuai Peraturan Perundang-undangan, Peraturan Perusahaan dan Perjanjian Bersama.

Kata Kunci: perlindungan hukum, Pemutusan Hubungan Kerja, Hubungan industrial Pancasila.

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