

INTISARI

Tujuan penelitian tesis ini yaitu untuk mengetahui dan menganalisis hubungan hukum pihak pengusaha dan pihak pekerja dalam *Secondment Agreement* berdasarkan peraturan ketenagakerjaan di Indonesia serta untuk mengetahui dan menganalisis pemenuhan hak-hak pekerja pasca penerapan *Secondment Agreement* di PT X dan PT Y.

Penelitian bersifat deskriptif analitis dan untuk mencapai tujuan tersebut digunakan metode normatif empiris, meliputi penelitian kepustakaan untuk memperoleh data sekunder berupa bahan hukum lalu dilanjutkan dengan penelitian lapangan berlokasi di Kabupaten Tangerang, Provinsi Banten. Teknik pengambilan sampel dalam penelitian ini adalah *probability sampling* dengan penarikan sampel secara acak sederhana (*simple random sampling*). Subjek dalam penelitian ini adalah responden yang dapat memberikan data untuk menjawab permasalahan terkait bagaimana pemenuhan upah pekerja, perintah kerja dan pekerjaan pekerja selama diterapkan *Secondment Agreement*. Alat dan cara pengumpulan data yaitu wawancara dan sampel dokumen selanjutnya data yang diperoleh selama penelitian di analisis secara kualitatif. Kesimpulan yang diambil dengan menggunakan cara berpikir deduktif.

Hasil penelitian menunjukkan bahwa hubungan hukum antara pengusaha dan pekerja dalam *Secondment Agreement* merupakan hubungan subordinasi yaitu “pemberian tugas” dari pemberi kerja asal (*home company*) kepada pekerja yang diperbantukan atau disebut *secondee*, untuk kemudian bekerja pada pemberi kerja tuan rumah (*host company*). Pemenuhan hak-hak pekerja pasca penerapan *Secondment Agreement* di PT X dan PT Y adalah tetap dilakukan oleh PT X selaku *Home Entity* atau pemberi kerja awal yang masih terikat hubungan kerja berdasarkan Perjanjian Kerja Waktu Tidak Tertentu.

Kata Kunci: *Secondment Agreement*, Hubungan hukum, Hak-hak pekerja

ABSTRACT

The objective of this thesis research is to find out and analyze the legal relationship between the employer and the employee in the Secondment Agreement based on labor regulations in Indonesia and to find out and analyze the fulfillment of employees' rights after the implementation of the Secondment Agreement in PT X and PT Y.

The research nature is analytical descriptive and to achieve above objective that empirical normative methods are used, including library research to obtain secondary data in the form of legal materials and then followed by field research located in Tangerang Regency, Banten Province. The sampling technique in this research was probability sampling with simple random sampling. The subjects in this research were respondents who were able to provide data to answer questions related to how to fulfill employees' wages, work orders and employees' work as long as the Secondment Agreement was implemented. Tools and methods of data collection, namely interviews and sample documents, then the data obtained during the research was analyzed qualitatively. Conclusions drawn by using a deductive way of thinking.

According to the study's research, the legal relationship between employer and employees under the Secondment Agreement is one of subordination, or "assignment" from the home company to seconded employees, also known as secondees, who will then work for the host company. Fulfillment of employees' rights after the implementation of the Secondment Agreement at PT X and PT Y is still carried out by PT X as the Home Entity or the initial employer who is still bound by an employment relationship based on an Unspecified Time Work Agreement.

Keywords: Secondment Agreement, Legal relationship, Employees' right