

INTISARI

ANALISIS DAMPAK HUKUM PENGGABUNGAN PERUSAHAAN TERKAIT PEMBAYARAN HAK PENSUN DALAM HAL TERJADI PERBEDAAN PENGATURAN ANTARA PERJANJIAN KERJA BERSAMA DENGAN RANCANGAN PENGGABUNGAN PERUSAHAAN (STUDI KASUS DI PT PERUSAHAAN PERDAGANGAN INDONESIA)

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Penelitian ini bertujuan untuk mengetahui dan menganalisis dasar hukum perlindungan hak pekerja pasca penggabungan perusahaan menurut Undang-Undang Perseroan Terbatas dan Undang-Undang Ketenagakerjaan dan mengetahui serta menganalisis dasar hukum pembayaran hak dana pensiun eks Pekerja PT Bhanda Ghara Reksa (Persero) yang meleburkan diri ke PT Perusahaan Perdagangan Indonesia (Persero) jika penggabungan perusahaan telah berlaku efektif sedangkan kewajiban pembayaran hak dana pensiun tidak masuk ke dalam Rancangan Penggabungan.

Penelitian ini merupakan penelitian normatif empiris yang bersifat deskriptif analitis. Penelitian normatif dilakukan melalui penelitian kepustakaan dengan cara studi dokumen atas bahan hukum primer, sekunder, dan tersier. Penelitian empiris dilakukan melalui penelitian lapangan dengan cara wawancara terhadap responden eks Pekerja PT Bhanda Ghara Reksa (Persero) yang telah bergabung kepada PT Perusahaan Perdagangan Indonesia (Persero), dan narasumber Bapak Adhi Wicaksana, S.H., selaku Mediator Hubungan Industrial di Dinas Tenaga Kerja, Transmigrasi, dan Energi Provinsi DKI Jakarta, dengan mempergunakan alat berupa pedoman wawancara. Hasil penelitian kepustakaan dan lapangan dianalisis secara kualitatif dan disajikan secara deskriptif.

Hasil penelitian yang dilakukan oleh Penulis menunjukkan bahwa hak atas dana pensiun eks Pekerja PT Bhanda Ghara Reksa (Persero) berupa Tunjangan Hari Tua (THT) belum diatur dalam Rancangan Penggabungan Perusahaan sebagaimana amanat dalam Undang-Undang Perseroan Terbatas, namun telah dilindungi hak-haknya menurut Undang-Undang Ketenagakerjaan terkait pembayaran hak atas dana pensiun. Eks Pekerja PT Bhanda Ghara Reksa (Persero) tetap dapat menuntut atas hak-haknya sesuai dengan ketentuan Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial, yaitu melakukan koordinasi dan mediasi secara bipartit antara eks pekerja dan PT Perusahaan Perdagangan Indonesia, tripartit, dan peradilan hubungan industrial.

Kata kunci: penggabungan perusahaan, hak pensiun, perjanjian kerja bersama.

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ABSTRACT

ANALYSIS OF THE LEGAL IMPACT OF COMPANY MERGER REGARDING THE PAYMENT OF RETIREMENT RIGHTS IN THE EVENT OF DIFFERENCES IN ARRANGEMENTS BETWEEN THE JOINT EMPLOYMENT AGREEMENT AND THE COMPANY MERGER PLAN (CASE STUDY AT PT PERUSAHAAN PERDAGANGAN INDONESIA)

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This research aims to find out and analyze the legal basis for protecting workers' rights after the merger of companies according to the Limited Liability Company Law and the Employment Law and to find out and analyze the legal basis for payment of pension fund rights for former PT Bhandha Ghara Rekza (Persero) workers who merged themselves into PT Indonesian Trading Company (Persero) if the company merger has become effective while the obligation to pay pension fund rights is not included in the Merger Plan.

This research is empirical normative research that is descriptive analytical in nature. Normative research is carried out through library research by studying documents on primary, secondary and tertiary legal materials. Empirical research was carried out through field research by interviewing respondents who were former employees of PT Bhandha Ghara Rekza (Persero) who had joined PT Perusahaan Perdagangan Indonesia (Persero), and resource person Mr. Adhi Wicaksana, S.H., as Industrial Relations Mediator at the Manpower, Transmigration Service, and Energy Province of DKI Jakarta, using tools in the form of interview guides. The results of literature and field research were analyzed qualitatively and presented descriptively.

The results of research conducted by researchers show that the rights to pension funds of former PT Bhandha Ghara Rekza (Persero) workers in the form of Tunjangan Hari Tua (THT) have not been regulated in the Company Merger Plan as mandated in the Limited Liability Company Law, but their rights have been protected according to Labor Law regarding payment of rights to pension funds. Ex-workers of PT Bhandha Ghara Rekza (Persero) can still claim their rights in accordance with the provisions of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, namely carrying out bipartite coordination and mediation between ex-workers and PT Perusahaan Perdagangan Indonesia, tripartite, and industrial relations courts.

Key words: company merger, pension rights, collective work agreement.

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