

ANALISIS SURAT PERINTAH KERJA PENGADAAN JASA TENAGA TEKNIS DI DINAS PERTANIAN DAN PANGAN KOTA YOGYAKARTA DARI PERSPEKTIF KETENAGAKERJAAN

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis kedudukan hukum tenaga teknis ditinjau dari hukum ketenagakerjaan dan hukum administrasi negara. Penelitian ini juga bertujuan untuk mengetahui dan menganalisis implikasi hukum perpanjangan waktu surat perintah kerja pengadaan jasa tenaga teknis di Dinas Pertanian dan Pangan Kota Yogyakarta.

Penelitian ini merupakan penelitian yuridis empiris yang bersifat deskriptif. Penelitian yuridis dilakukan melalui penelitian kepustakaan untuk mendapatkan data sekunder atas berbagai bahan hukum primer, sekunder, dan tersier dengan alat berupa studi dokumen. Penelitian empiris dilakukan melalui penelitian lapangan dengan melakukan wawancara terhadap subjek penelitian menggunakan alat berupa pedoman wawancara. Data hasil penelitian dianalisis secara kualitatif dan disajikan secara deskriptif.

Hasil penelitian ini menyimpulkan bahwa, *pertama* tenaga teknis memiliki kedudukan di hukum ketenagakerjaan dibanding di hukum administrasi negara. Hal tersebut dapat dilihat melalui analisis unsur tenaga teknis dengan unsur hukum ketenagakerjaan dan unsur hukum administrasi negara sehingga perlindungan tenaga teknis berada di naungan rezim hukum ketenagakerjaan. *Kedua*, perpanjangan waktu surat perintah kerja tenaga teknis di Dinas Pertanian dan Pangan Kota Yogyakarta adalah sah demi hukum karena sesuai dengan pertimbangan hukum putusan MK nomor 75/PUU-XX/2022 yang mengembalikan perumusan surat perintah kerja (kontrak) antara pemberi kerja non pengusaha dengan pekerja kepada asas konsensualisme dan asas kebebasan berkontrak.

Kata Kunci: Surat Perintah Kerja, Pengadaan Jasa, Tenaga Teknis, Dinas Pertanian dan Pangan Kota Yogyakarta, Ketenagakerjaan.

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***ANALYSIS OF THE WORK ORDERS FOR TECHNICAL MANPOWER
PROCUREMENT SERVICE AT THE DEPARTMENT OF
AGRICULTURE AND FOOD YOGYAKARTA CITY FROM
THE PERSPECTIVE OF LABOUR EMPLOYMENT***

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ABSTRACT

This Research aims to identify and analyze the legal positions of technical manpower from the perspective of labour law and administrative law. It also aims to understand and analyze the legal implications of extending of the work orders for technical manpower procurement service at the Department of Agriculture and Food Yogyakarta City.

This research is a descriptive empirical juridicial study. The juridicial research is conducted through literature review to obtain secondary data from various primary, secondary, and tertiary legal materials using document study as the tool. Empirical research is carried out through field research by conducting interviews with research subject using interview guidelines. The research data is analyzed qualitatively and presented descriptively.

The research findings conclude that, firstly, technical manpower holds a stronger legal position under labour law compared to administrative law. This can be observed through the analysis of the elements of technical manpower within the frameworks of labour law and administrative law, which places the protection of technical manpower under the jurisdiction of labour law. Secondly, the extension of the work order for technical manpower at Department of Agriculture and Food Yogyakarta City is legally valid, as it aligns with the legal considerations of the Constitutional Court decision number 75/PUU-XX/2022, which reinstates the formulation of work orders (contracts) between non-employer employers and employees based on the principles of consensualism and freedom of contract.

Keywords: *Work Order, Procurement Service, Technical Manpower, Department of Agriculture and Food of Yogyakarta City, Labour Employment*

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