

PELINDUNGAN TERHADAP HAK ATAS UPAH, JAMINAN SOSIAL, DAN AKIBAT PEMUTUSAN HUBUNGAN KERJA (PHK) BAGI PEKERJA DI PT NENDO, KABUPATEN KULON PROGO

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INTISARI

Tujuan dari penelitian ini adalah untuk mengetahui dan menganalisis pelindungan hak atas upah, jaminan sosial, dan akibat PHK bagi Pekerja di PT Nendo, serta melakukan analisis terhadap peran Dinas Tenaga Kerja Kabupaten Kulon Progo dalam pencegahan dan penyelesaian pelanggaran hak-hak pekerja di PT Nendo.

Penelitian ini merupakan penelitian berjenis yuridis empiris yang bersifat deskriptif. Teknik pengumpulan data menggunakan penelitian kepustakaan berupa studi dokumen yang menghasilkan data sekunder dan penelitian lapangan berupa wawancara yang menghasilkan data primer. Data yang didapatkan dianalisis secara kualitatif yang menghasilkan analisis deskriptif dan analitis sehingga dapat menjawab perumusan masalah yang diangkat.

Hasil penelitian menjawab 2 (dua) perumusan masalah yang diangkat. Pertama, pelindungan hukum eksternal melalui kebijakan pemerintah dan peraturan perundang-undangan telah komprehensif mengatur, tetapi upaya penegakan hukumnya tidak efektif dibuktikan dengan hak-hak pekerja yang terlanggar tanpa dijatuhkannya sanksi terhadap pengusaha. Pelindungan hukum internal terhadap hak atas upah, jaminan sosial, dan akibat PHK melalui PK, PKB, dan perjanjian bersama (hasil perundingan bipartit) tidak melindungi karena tidak disertai sanksi, sehingga pengusaha melakukan pelanggaran tanpa adanya sanksi yang dikenakan. Ketiadaan sanksi mengurangi efektivitas pelindungannya karena tidak ada jaminan konsekuensi, meskipun pada akhirnya kesepakatan dalam perjanjian bersama dilaksanakan. Kedua, dalam upaya pencegahan, Disnaker Kabupaten Kulon Progo melaksanakan sosialisasi, menyediakan layanan konsultasi, dan melakukan deteksi dini, sementara itu dalam upaya penyelesaian, Disnaker melakukan penjalinan komunikasi serta memberikan himbauan kepada pengusaha dan pekerja.

Kata Kunci: Pelindungan Hak Pekerja, Pengupahan, Jaminan Sosial, Pemutusan Hubungan Kerja (PHK), Dinas Tenaga Kerja

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PROTECTION OF WAGES RIGHT, SOCIAL SECURITY RIGHT, AND THE RIGHT OF ARISING FROM TERMINATION OF EMPLOYMENT AT PT NENDO, KULON PROGO REGENCY

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ABSTRACT

The purpose of this research is to identify and analyze the protection of wages right, social security right, and the right of arising from termination of employment at PT Nendo, as well as to assess the role of the Department of Manpower of Kulon Progo Regency in preventing and resolving violations of workers' rights at PT Nendo.

This research adopts an empirical juridical approach with a descriptive nature This research is an empirical juridical study with a descriptive nature. The data collection techniques include library research in the form of document studies, which generate secondary data, and field research in the form of interviews, which produce primary data. The collected data is analyzed qualitatively, resulting in descriptive and analytical findings that address the formulated research questions.

The research findings answer two research questions. First, external legal protection through government policies and legislation has been comprehensively regulated, but law enforcement efforts remain ineffective, as evidenced by the violation of workers' rights without any sanctions imposed on employers. Internal legal protection for wage rights, social security, and the consequences of termination of employment (PHK) through company regulations (PK), collective labor agreements (PKB), and joint agreements (bipartite negotiations) fails to provide protection due to the absence of sanctions, allowing employers to commit violations without consequences. The lack of sanctions reduces the effectiveness of legal protection, as there is no guaranteed consequence, even though agreements in joint negotiations are ultimately implemented. Second, in preventive efforts, the Kulon Progo Regency Manpower Office (Disnaker) conducts outreach programs, provides consultation services, and carries out early detection. Meanwhile, in dispute resolution efforts, Disnaker facilitates communication and issues recommendations to both employers and workers.

Keywords: Workers' Rights Protection, Wages, Social Security, Termination of Employment, Department of Manpower

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