

**TINJAUAN PENGATURAN JENIS PEKERJAAN *OUTSOURCING*  
PASCA PENGESAHAN UNDANG-UNDANG CIPTA KERJA  
DAN PUTUSAN MK NOMOR 168/PUU-XXI/2023**

**Oleh:**

**Sarah Juwaher<sup>1</sup>, Murti Pramawardhani Dewi<sup>2</sup>**

**INTISARI**

Penulisan hukum ini bertujuan untuk mengetahui dan menganalisis implikasi Putusan MK Nomor 168/PUU-XXI/2023 terhadap pengaturan jenis pekerjaan *outsourcing* di Indonesia serta untuk mengetahui dan menganalisis perubahan pengaturan jenis pekerjaan *outsourcing* pasca pengesahan Undang-Undang Cipta Kerja dan Putusan MK Nomor 168/PUU-XXI/2023 apakah sudah memberikan kepastian hukum, keadilan dan kemanfaatan bagi pekerja.

Penelitian ini bersifat deskriptif dengan menggunakan jenis penelitian normatif. Penelitian ini dilakukan dengan penelitian kepustakaan untuk mendapatkan data sekunder atas bahan hukum primer, sekunder dan tersier dengan cara studi dokumen. Penelitian ini juga melibatkan subyek penelitian berupa narasumber dengan cara wawancara. Data hasil penelitian ini dianalisis secara kualitatif dan disajikan secara deskriptif.

Hasil penelitian menunjukkan bahwa Putusan MK 168/2023 berimplikasi terhadap pengaturan jenis pekerjaan *outsourcing* berupa penegasan bahwa jenis pekerjaan *outsourcing* harus dibatasi serta pembatasan tersebut harus ditetapkan oleh Menteri Ketenagakerjaan melalui peraturan pelaksana dan perlu adanya pembentukan Undang-Undang Ketenagakerjaan yang baru dengan memisahkannya dari Undang-Undang Cipta Kerja. Perubahan pengaturan jenis pekerjaan *outsourcing* oleh Undang-Undang Cipta Kerja tidak memenuhi kepastian, keadilan dan kemanfaatan hukum bagi pekerja. Kendati Putusan MK 168/2023 memberikan kepastian mengenai Menteri Ketenagakerjaan yang harus menetapkan jenis pekerjaan *outsourcing*, namun substansi dari jenis pekerjaan itu belum ditetapkan hingga saat ini, dengan demikian kepastian hukum belum terwujud secara penuh. Begitu juga aspek keadilan dan kemanfaatan pekerja pasca Putusan MK 168/2023 belum dapat mewujudkan keadilan dan kemanfaatan karena peraturan pelaksana yang menjadi acuan belum ditetapkan hingga saat ini.

**Kata kunci: *Outsourcing*, Undang-Undang Cipta Kerja, Putusan MK 168/2023**

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<sup>1</sup> Mahasiswa Program Pascasarjana Magister Hukum Bisnis dan Kenegaraan Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

<sup>2</sup> Dosen Program Pascasarjana Magister Hukum Bisnis dan Kenegaraan Fakultas Hukum Universitas Gadjah Mada Yogyakarta.

***REVIEW OF OUTSOURCING WORK TYPE REGULATIONS AFTER THE  
RULING OF THE JOB CREATION LAW AND THE DECISION OF THE  
CONSTITUTIONAL COURT NUMBER 168/PUU-XXI/2023***

**By:**

**Sarah Juwaher<sup>1</sup>, Murti Pramuwardhani Dewi<sup>2</sup>**

***ABSTRACT***

*This legal writing aims to determine and analyze the implications of the Constitutional Court Decision Number 168/PUU-XXI/2023 on the regulation of types of outsourcing work in Indonesia and to determine and analyze changes in the regulation of types of outsourcing work after the ratification of the Job Creation Law and the Constitutional Court Decision Number 168/PUU-XXI/2023 whether it has provided legal certainty, justice and benefits for workers.*

*This research is descriptive in nature using normative research. This research was conducted with library research to obtain secondary data on primary, secondary and tertiary legal materials by means of document studies. This research also involved research subjects in the form of informants by means of interviews. The data from this study were analyzed qualitatively and presented descriptively.*

*The results of the study show that the Constitutional Court Decision 168/2023 has implications for the regulation of types of outsourcing work in the form of an affirmation that the types of outsourcing work must be limited and these restrictions must be determined by the Minister of Manpower through implementing regulations and the need for the formation of a new Manpower Law by separating it from the Job Creation Law. Changes in the regulation of types of outsourcing work by the Job Creation Law do not fulfill legal certainty, justice and benefits for workers. Although the Constitutional Court Decision 168/2023 provides certainty regarding the Minister of Manpower who must determine the type of outsourcing work, the substance of the type of work has not been determined until now, thus legal certainty has not been fully realized. Likewise, the aspect of justice and benefits for workers after the Constitutional Court Decision 168/2023 has not been able to realize justice and benefits because the implementing regulations that serve as a reference have not been determined until now.*

***Keywords: Outsourcing, Job Creation Law, Constitutional Court Decision 168/2023***

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*1 Postgraduate Student of Master of Business and State Law Program, Faculty of Law, Gadjah Mada University, Yogyakarta.*

*2 Lecturer of Postgraduate Program in Business and State Law, Faculty of Law, Gadjah Mada University, Yogyakarta.*