Realitas Precarious Work pada Praktik Kewajiban Siaga (On-Call Work) dalam Perspektif Pelindungan
Hukum terhadap Hak Normatif Pekerja Software Developer di PT Z
Nayla Imandara, Dr. Murti Pramuwardhani Dewi, S.H., M.Hum.
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REALITAS *PRECARIOUS WORK* PADA PRAKTIK KEWAJIBAN SIAGA *(ON-CALL WORK)* DALAM PERSPEKTIF PELINDUNGAN HUKUM TERHADAP HAK NORMATIF PEKERJA *SOFTWARE DEVELOPER* DI PT Z

Oleh:

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INTISARI

Penelitian ini bertujuan untuk mengetahui dan menganalisis status hukum waktu siaga dalam praktik *on-call work* sebagai realitas *precarious work* bagi *software developer* di PT Z, serta bentuk pelindungan hukum terhadap hak normatif *software developer* atas realitas *precarious work* dalam praktik *on-call work* tersebut.

Penelitian hukum ini menggunakan jenis penelitian hukum yuridis empiris (*socio-legal*) yang bersifat deskriptif-analitis. Penelitian lapangan dilakukan untuk mengumpulkan data primer melalui wawancara dengan responden dan narasumber, serta menelaah dokumen internal perusahaan. Penelitian kepustakaan dilakukan untuk mengumpulkan data sekunder melalui studi dokumen terhadap bahan hukum primer, sekunder, dan tersier. Data primer dan data sekunder dianalisis secara kualitatif.

Kesimpulan dari penelitian ini adalah waktu siaga dalam praktik *on-call work* di PT Z memiliki karakteristik yang lebih mendekati waktu kerja dan berpotensi dikualifikasikan sebagai lembur. Namun, pelaksanaan, kompensasi, dan batasan praktik *on-call work* tidak dirumuskan dalam Perjanjian Kerja maupun Peraturan Perusahaan, sehingga pemotongan upah yang dikenakan kepada salah satu pekerja tidak memenuhi syarat keabsahan. Realitas ini mencerminkan *precarious work* dengan tingkat tinggi pada dimensi kerentanan temporal, organisasional, dan aspek pelindungan hukum pada dimensi sosial, serta tingkat sedang pada dimensi ekonomi dan aspek pelindungan fisik, mental, dan sosial. Lebih lanjut, bentuk pelindungan hukum terhadap hak normatif *software developer* telah tersedia melalui pelindungan hukum preventif dan represif. Pelindungan preventif diwujudkan melalui formalisasi praktik *on-call work* di PT Z serta perluasan cakupan pengawasan ketenagakerjaan. Adapun pelindungan represif dibedakan menurut jenis pelanggaran melalui jalur perselisihan hak, pidana ketenagakerjaan, dan sanksi administratif. Namun, kedua bentuk pelindungan tersebut belum diimplementasikan, sehingga pemenuhan hak normatif pekerja *software developer* masih bergantung pada implementasi kerangka hukum dan itikad baik PT Z.

Kata Kunci: *On-Call Work, Precarious Work*, Pelindungan Hukum.

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THE REALITY OF PRECARIOUS WORK IN ON-CALL WORK PRACTICES FROM THE PERSPECTIVE OF LEGAL PROTECTION FOR THE NORMATIVE RIGHTS OF SOFTWARE DEVELOPERS WORKERS AT PT Z

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ABSTRACT

This research aims to examine and analyze the legal status of standby time in on-call work practices as a reality of precarious work for software developers at PT Z, as well as the forms of legal protection for software developers' normative rights in the face of that reality.

This legal research employs an empirical juridical (socio-legal) approach that is descriptive-analytical in nature. Field research was conducted to collect primary data through interviews with respondents and expert informants, and through a review of the company's internal documents. Library research was conducted to collect secondary data through document studies of primary, secondary, and tertiary legal materials. Both primary and secondary data were analyzed qualitatively.

The study concludes that standby time in on-call work practices at PT Z more closely resembles working time and has the potential to be classified as overtime. However, the implementation, compensation, and limits of on-call work practices are not set out in the Employment Agreement or the Company Regulation, so the wage deduction imposed on one of the workers does not meet the requirements for validity. This reality reflects a high level of precarious work in the dimensions of temporal and organizational vulnerability and in the legal protection aspect of the social dimension, and a moderate level in the economic dimension and in the physical, mental, and social protection aspects. Furthermore, forms of legal protection for software developers' normative rights are already available through preventive and repressive legal protection. Preventive protection is realized through the formalization of on-call work practices at PT Z and the expansion of the scope of labor inspection. Repressive protection is differentiated by type of violation, through rights dispute resolution, labor criminal proceedings, and administrative sanctions. However, neither form of protection has yet been implemented, so the fulfillment of software developers' normative rights still depends on the implementation of the legal framework and on the goodwill of PT Z.

Keywords: *On-Call Work, Precarious Work, Legal Protection.*

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