

**ANALISIS PEMBENTUKAN PERUSAHAAN HOLDING BUMN
INDUSTRI PERTAMBANGAN DI INDONESIA TERHADAP STATUS
KETENAGAKERJAAN**

INTISARI

Oleh

Meica Prameswari¹, dan Sulistiowati²

Penelitian ini bertujuan untuk menganalisis akibat hukum pembentukan perusahaan grup (*Holding Company*) Badan Usaha Milik Negara industri pertambangan di Indonesia terhadap status ketenagakerjaan dan mengetahui dampak negatif pembentukan perusahaan grup (*Holding Company*) Badan Usaha Milik Negara industri pertambangan terhadap tenaga kerja di Indonesia serta solusi mengatasinya.

Penelitian ini menggunakan pendekatan yuridis empiris dan yuridis normatif, melalui penelitian lapangan dan penelitian kepustakaan untuk memperoleh data primer dan data sekunder. Dalam penelitian kepustakaan, studi pustaka dilakukan pada peraturan perundang-undang dan studi pustaka lainnya. Sedangkan, penelitian lapangan dilakukan dengan mewawancarai narasumber dari bidang profesi akademik dan responden dari Kementerian Badan Usaha Milik Negara, Kementerian Ketenagakerjaan, Kementerian Energi dan Sumber Daya Mineral, dan PT. Bukit Asam, Tbk. Data yang diperoleh kemudian dianalisis menggunakan pendekatan kualitatif dan dijabarkan dengan deskriptif analitis.

Berdasarkan hasil penelitian, penulis menyimpulkan bahwa akibat hukum dari pembentukan perusahaan Grup (*Holding Company*) BUMN Industri Pertambangan di Indonesia adalah PT. Inalum (Persero), Tbk. selaku Holding BUMN industri pertambangan di Indonesia, sementara PT. Aneka Tambang, Tbk.; PT. Bukit Asam, Tbk.; PT. Timah, Tbk. (anggota *Holding*) yang semula berstatus BUMN, setelah restrukturisasi menjadi BUMS yang memiliki hak istimewa. Selanjutnya, akibat Hukum Status Ketenagakerjaan pada anggota *Holding* seharusnya berubah dan tidak dapat disamakan dengan status tenaga kerja di perusahaan induk. Kemudian melihat fakta di lapangan, pembentukan perusahaan grup BUMN industri pertambangan memiliki dampak positif terhadap tenaga kerja karena tetap memperhatikan kesejahteraan tenaga kerja yang dianggap sebagai mitra kerjasama dengan komposisi kompensasi finansial yang diperoleh diharapkan semakin meningkat, dan solusi mengatasinya dengan cara melakukan sinergitas antara manajemen perusahaan dan serikat pekerja yang dalam melaksanakan prinsip-prinsip hubungan industrial serta memperhatikan Prinsip *Good Corporate Governance* (GCG) yaitu *Fairness* menurut Peraturan Menteri Negara Badan Usaha Milik Negara Nomor: 01/MBU/2011.

Kata Kunci : BUMN, *Holding Company* Industri Pertambangan, Status Ketenagakerjaan

¹ Mahasiswi Magister Ilmu Hukum Bisnis Fakultas Hukum Universitas Gadjah Mada, Jakarta

² Dosen Fakultas Hukum Universitas Gadjah Mada, Yogyakarta

***ANALYSIS OF THE ESTABLISHMENT OF A STATE-OWNED
ENTERPRISE HOLDING COMPANY OF INDONESIAN MINING
INDUSTRY ON THE STATUS OF EMPLOYMENT***

ABSTRACT

By

Meica Prameswari³, Sulistiowati⁴

The study aims to analyze the reason of the legal effect formation of establishing Holding Company State-Owned Enterprises in Indonesia's mining industry on the status of employment and to know the negative impact of the formation of a mining Holding company to determine the employment in Indonesia with solution to overcome them.

This research uses the normative juridical and juridical approach, through field research and library research to obtain primary data and secondary data. In library research, literature study is conducted on laws regulation and other literature studies. Meanwhile, field research was conducted by interviewing speakers from the academic profession and respondents from the Ministry of State-Owned Enterprises, Ministry of Manpower, Ministry of Energy and Mineral Resources, and PT. Bukit Asam, Tbk. The data obtained are then analyzed using qualitative approach and elaborated by a descriptive analytical.

Based on the results of this study, the authors conclude that the legal effect of the establishing Holding Company State-Owned Enterprises in Indonesia's mining industry are PT. Inalum (Persero), Tbk. as the Holding of the Mining Industry State-Owned Enterprise in Indonesia, while PT. Aneka Tambang, Tbk.; PT. Bukit Asam, Tbk.; PT. Timah, Tbk. (as a Holding member) who was originally a State-Owned Business Entity, after restructuring to become a Privately Owned Business Entity that has legal privileges. Furthermore, the legal effect on the status of employment on Holding members should change and cannot be equated with the labor status of the parent company. Then looking at the facts in the field, the establishment of a mining company State-Owned Enterprise Holding Company has a positive impact on the workforce because it keeps paying attention to the welfare of workers who are considered collaborative partners with the composition of financial compensation obtained is expected to increase, with the solution is to overcome synergies between company management and union in implementing the principles of industrial relations and paying attention to the Principles of Good Corporate Governance (GCG), namely Fairness according to the Regulation of the State Minister for State Owned Enterprises Number: 01/MBU/2011.

Key Word : State-Owned Enterprises, Holding Company of Mining Industry, The Status of Employment

³ Student of Master of Business Law, Faculty of Law, Gadjah Mada University, Jakarta.

⁴ Lecturer of Faculty of Law, Gadjah Mada University, Yogyakarta.