

INTISARI

PERAN PENGURUS FEDERASI ATAU KONFEDERASI SERIKAT PEKERJA SEBAGAI KUASA HUKUM PEKERJA DARI ANGGOTANYA DI PENGADILAN HUBUNGAN INDUSTRIAL YOGYAKARTA

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Penelitian hukum ini bertujuan untuk mengetahui dan menganalisis dapat atau tidaknya pengurus federasi atau konfederasi serikat pekerja yang tidak memiliki pengurus unit di tingkat perusahaan menjadi kuasa hukum pekerja dari anggotanya di Pengadilan Hubungan Industrial. Tujuan lain penelitian ini adalah untuk mengetahui dan menganalisis hambatan yang dialami pengurus federasi atau konfederasi serikat pekerja dalam menjalankan perannya sebagai kuasa hukum pekerja dari anggotanya di Pengadilan Hubungan Industrial Yogyakarta.

Penelitian ini bersifat deskriptif dengan jenis normatif empiris. Penelitian normatif dilakukan melalui penelitian kepustakaan atas berbagai bahan hukum, baik primer, sekunder dan tersier, untuk mendapatkan data sekunder melalui studi dokumen. Penelitian empiris dilakukan untuk mendapatkan data primer melalui penelitian lapangan dengan cara wawancara kepada subjek penelitian dengan mempergunakan pedoman wawancara. Data yang diperoleh dari hasil penelitian kepustakaan dan lapangan dianalisis secara kualitatif. Hasil analisis data disajikan secara deskriptif analisis.

Hasil penelitian menunjukkan: 1) Pengurus federasi atau konfederasi serikat pekerja yang tidak memiliki pengurus unit di tingkat perusahaan dapat menjadi kuasa hukum pekerja dari anggotanya di Pengadilan Hubungan Industrial dengan syarat adanya surat kuasa substitusi dan bukti keterwakilan pengurus federasi atau konfederasi serikat pekerja yang bersangkutan. 2) Hambatan internal yang dialami pengurus federasi atau konfederasi serikat pekerja sebagai kuasa hukum berupa keterbatasan sumber daya manusia di federasi atau konfederasi serikat pekerja yang memahami hukum materiil dan hukum formil ketenagakerjaan dan keterbatasan dalam pengelolaan waktu, serta kurangnya integritas. Hambatan eksternal berasal dari tidak komunikatifnya pekerja sebagai pemberi kuasa asal, serta rumitnya ketentuan teknis beracara di Pengadilan Hubungan Industrial.

Kata Kunci: Serikat Pekerja, Federasi, Konfederasi, Kuasa Hukum, Pengadilan Hubungan Industrial.

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ABSTRACT

THE ROLE OF FEDERATION OR CONFEDERATION OF LABOUR UNION COMMITTEE AS THE LEGAL ATTORNEY OF THE EMPLOYEE OF ITS MEMBER IN THE INDUSTRIAL RELATIONS COURT OF YOGYAKARTA

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This legal research is aimed to identify and analyze the possibility of federation atau confederation of labour union which do not have unit committee in the corporate level to be act as legal attorney of employee of its member in the Industrial Relations Court. Another purpose of this research is to identify and analyze the obstacle which is suffered by the federation or confederation of labour union committee in undergoing its role as legal attorney of employee of its member employee in the Industrial Relations Courts of Yogyakarta.

The nature of this research is descriptive with normative empirical type. Normative research is conducted by library research over various legal material, either primary, secondary and tertiary, to obtain secondary data by documentary study. Empirical research is conducted to obtain primary data by field research by means of interviewing the research subject by referring to interview guidance. Data which is obtained from library and field research result is analyzed in qualitative. Analysis data result is presented in descriptive analysis.

The research result indicates that: 1) federation or confederation of labour union which do not have unit committee in the corporate level can be the legal attorney of employee of its member employee in the Industrial Relations Court subject to the availability of power of attorney substitution and proof of representation of the relevant federation or confederation of labour union committee 2) the Obstacle which is suffered by federation or confederation of labour union committee in undergoing its role as legal attorney for its member employee in the Industrial Relations Court of Yogyakarta consists of the limited human resources in federation or confederation of labour union who understands about legal material and legal formal of employment law and , the limited time management as well as the lack of integrity. External obstacle is originated from the uncommunicative of employee as the authorizer and the complicated terms of technical litigation in Industrial Relations Court.

Keyword : Labor Union, Federation, Confederation, Legal Attorney, Industrial Relations Court.

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