

INTISARI

Pelaksanaan *Outsourcing* Antara PT ASABRI (Persero) Dengan Koperasi Pegawai ASABRI Setelah Putusan Mahkamah Konstitusi Nomor 27/PUU-XI/2011 Tentang Pengujian Undang-Undang Nomor 13 Tahun 2003 Dan Permenakertrans Nomor 19 Tahun 2012 Tentang Syarat-Syarat Penyerahan Sebagian Pelaksanaan Pekerjaan Kepada Perusahaan Lain

Oleh

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Tujuan penelitian ini adalah untuk mengetahui dampak dari berlakunya Putusan Mahkamah Konstitusi Nomor 27/PUU-XI/2011 dan Permenakertrans Nomor 19 Tahun 2012 terhadap pelaksanaan *outsourcing* di PT ASABRI (Persero) serta legalitas Koperasi Pegawai ASABRI berikut status hukum pekerja *outsourcing*nya.

Penelitian ini merupakan penelitian hukum yang bersifat normatif empiris dengan menggunakan data sekunder dan data primer. Seluruh data yang terkumpul dianalisis dengan menggunakan metode kualitatif dan hasilnya disajikan dalam laporan yang bersifat deskriptif.

Hasil penelitian menunjukkan pelaksanaan *outsourcing* di PT ASABRI (Persero) sudah dilakukan penyesuaian terkait jenis pekerjaan yang boleh di *outsourcing*, tetapi dalam perjanjian penyedia jasa pekerjaanya belum memasukkan klausula pengalihan perlindungan hak-hak bagi pekerja/buruh (status Perjanjian Kerja Waktu Tertentu/PKWT) yang objek kerjanya tetap ada walaupun terjadi pergantian perusahaan *outsourcing*.

Penerapan aturan syarat berbadan hukum bagi perusahaan *outsourcing* dalam Permenakertrans Nomor 19 Tahun 2012 membatasi hanya Perseroan Terbatas yang dapat menjadi penyedia jasa pekerja, sehingga Koperasi Pegawai ASABRI tidak lagi memiliki legalitas sebagai badan hukum penyedia jasa pekerja. Status hukum pekerja *outsourcing* PKWT dapat berubah menjadi PKWTT apabila tidak dipenuhinya syarat minimum klausula sebagaimana diatur dalam Pasal 29 Permenakertrans Nomor 19 Tahun 2012.

Kata Kunci : *Outsourcing*, Penyedia Jasa Pekerja, Perjanjian Kerja Waktu Tertentu.

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ABSTRACT

Implementation Of Outsourcing Between PT ASABRI With The Cooperative Officers Of ASABRI, After The Verdict Of The Constitutional Court No. 27/PUU-XI/2011 About Law Attempt No. 13 Of 2003 And Regulation Of The Minister Of Manpower And Transmigration No. 19 Year 2012 Regarding Submission Of Some Work Execution To Other Companies.

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The purpose of this research is to know how does the impact from the application of Constitutional Court Decision number 27/PUU-XI/2011 and The Regulation of Minister Manpower and Transmigration number 19 of 2012 towards the implementation of outsourcing in PT ASABRI (Persero) as well as the legality of ASABRI employee cooperatives and the legal status of their outsourcing workers.

This research was conduct by using normative empirical method,data used in this research is using primary data and secondary data.All data obtained were analyzed using qualitative method and the results are presented in descriptive report.

The results of the research indicated that the implementation of outsourcing in PT ASABRI (Persero) has been made adjustments related to the type of work that can be outsourced, but in the agreement of the service provider has not entered the rights protection clause for the worker (Temporary Work Agreement status) whose work object persists despite the change in outsourcing company.

The implementation of the requirement of legal entity for outsourcing companies as stipulated in The Regulation of Minister Manpower and Transmigration number 19 of 2012, restricts that only limited liability company can become a worker service provider, therefore the ASABRI employee cooperatives no longer have a legal entity legality for worker service providers. The legal Status of outsourcing Temporary Work Agreement worker can be changed to Permanently Work Agreement if not fulfilled the minimum clause as regulated in article 29 The Regulation of Minister Manpower and Transmigration number 19 of 2012.

Keywords: Outsourcing, Worker Service Provider, Temporary Work Agreement

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