

ANALISIS YURIDIS TERHADAP KEBERADAAN *UNDUE INFLUENCE* DALAM PERJANJIAN KERJA PEKERJA *OUTSOURCING* DI HALTE TRANS JOGJA

Oleh : Dhiya Sholiha H* dan Nabiyla Risfa Izzati**

INTISARI

Penelitian ini bertujuan untuk melakukan analisis terhadap keberadaan *undue influence* atau penyalahgunaan keadaan terhadap perjanjian kerja pekerja *outsourcing* di halte Trans Jogja serta mengetahui bagaimana perlindungan hukum berdasarkan hukum ketenagakerjaan diberikan pada pekerja *outsourcing* di halte Trans Jogja yang perjanjian kerjanya terdapat *undue influence*.

Penelitian ini merupakan penelitian normatif dan empiris yang dilakukan dengan cara mengumpulkan data dan mengorganisir data yang dilakukan melalui penelusuran serta melakukan wawancara kepada responden dan narasumber terkait. Kemudian dilakukan interpretasi bahasa, sistematis dan sosiologis terhadap data. Hasil dari interpretasi data tersebut akan ditambahkan dengan opini penulis terhadap data mengenai *undue influence* terhadap perjanjian kerja.

Hasil dari penelitian ini adalah berdasarkan analisis dengan menggunakan indikator : aspek posisi para pihak pada fase kontraktual, aspek formulasi perjanjian dan aspek moralitas, terdapat indikasi adanya *undue influence* pada hubungan kerja pekerja *outsourcing* di halte Trans Jogja yang mengakibatkan dapat dibatalkannya perjanjian kerja. Perlindungan bagi pekerja *outsourcing* dapat dilakukan melalui penyesuaian atas isi perjanjian kerja dengan mekanisme penyelesaian perselisihan hubungan industrial.

Kata kunci : *undue influence*, *outsourcing*, Trans Jogja

* Mahasiswa Program Studi Sarjana Fakultas Hukum Universitas Gadjah Mada

** Dosen Departemen Hukum Perdata, Fakultas Hukum Universitas Gadjah Mada



Analisis Yuridis terhadap Keberadaan Undue Influence dalam Perjanjian Kerja Pekerja Outsourcing di

Halte Trans Jogja

DHIYA SHOLIHA H, Nabiyla Risfa Izzati, S.H., LL.M. (Adv)

Universitas Gadjah Mada, 2020 | Diunduh dari <http://etd.repository.ugm.ac.id/>

LEGAL ANALYSIS OVER THE POSSIBILITY OF UNDUE INFLUENCE IN OUTSOURCING LABOR AGREEMENT ON TRANS JOGJA SHELTER

By : Dhiya Sholiha H * and Nabiyla Risfa Izzati **

ABSTRACT

This study aims to analyze the existence of undue influence or abuse of conditions of the outsourcing work agreement at the Trans Jogja shelter and find out how the legal protection based on labor law is given to outsourced workers at the Trans Jogja shelter where the work agreement has an undue influence

This research is a normative and empirical study conducted by collecting data and organizing data gathered through tracing and interviews with respondents and related informants. Then the language, systematic and sociological interpretation of the data is carried out. The results of the interpretation of the data will be added to the author's opinion on the data about the undue influence on the employment agreement.

The results of this study are based on an analysis using indicators of three aspects: the position of the parties in the contractual phase, formulation of agreements and morality, including the composition of undue influence on the employment relations of outsourced workers at the Trans Jogja shelter that can be used to support it works. The protection of outsourced workers can be done through challenge some aspects from work agreement with industrial relations dispute settlement.

Keywords : undue influence, outsourcing, Trans Jogja

* Undergraduate Student of the Faculty of Law Universitas Gadjah Mada

** Lecturer of the Departement of Civil Law, Faculty of Law Universitas Gadjah Mada