

TINJAUAN YURIDIS KOMPETENSI RELATIF PENGADILAN  
HUBUNGAN INDUSTRIAL PADA KASUS PHK SEPIHAK PT PEKSA  
GUNARAHARJA KAB. SLEMAN

INTISARI

Oleh:

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Penelitian ini bertujuan untuk mengetahui alasan pertimbangan-pertimbangan Hakim dalam putusan sela No: 153/Pdt.Sus-PHK/2018/PN.Sby; No: 34/Pdt.Sus-PHK/2019/PN.Yyk; dan No: 39/Pdt.Sus-PHK/2019/PN.Yyk dalam menafsirkan kewenangan mengadili (kompetensi relatif) Pengadilan Hubungan Industrial serta menganalisis cara menentukan kewenangan mengadili (kompetensi relatif) Pengadilan Hubungan Industrial berdasarkan peraturan perundang-undangan yang berlaku dikarenakan Undang-Undang Nomor 2 Tahun 2004 tidak mengatur mengenai penjelasan Pasal 81 tentang kewenangan mengadili (kompetensi relatif) Pengadilan Hubungan Industrial.

Sifat penelitian ini yaitu dekskriptif analitis dengan jenis penelitian normatif yang menggunakan pendekatan perundang-undangan dengan metode studi kasus. Bahan hukum yang digunakan bersifat sekunder. Sedangkan teknik pengumpulan data menggunakan studi kepustakaan dan wawancara, kemudian dianalisis secara kualitatif.

Hasil penelitian berupa: Pertama, Putusan Sela Nomor 153/Pdt.Sus-PHI/PN.Sby, majelis hakim berpendapat bahwa PT Peksi Gunaraharja merupakan perusahaan tunggal dan tidak memiliki kantor cabang di Blitar, serta mediasi perselisihan hubungan industrial dilaksanakan di Disnakertrans Yogyakarta. Sehingga PHI pada PN Yogyakarta, yang berwenang mengadili perkara *a quo*. Sedangkan dalam Putusan Sela Nomor: 34/Pdt.Sus-PHI/2019/PN.Yyk dan Nomor: 39/Pdt.Sus-PHI/2019/PN.Yyk Majelis Hakim berpendapat kompetensi relatif PHI adalah pada pengadilan yang yurisdiksinya pada daerah pekerja sehari-hari (secara *de facto*) bukan pada kantor selaku pemberi kerja/pemberi upah. Dikuatkan dengan surat tugas (Bukti T-2) dan yurisprudensi Mahkamah Agung Nomor: 446 K/Pdt.Sus-PHI/2014 tanggal 9 September 2014, sehingga PHI pada PN Surabaya, yang berwenang mengadili perkara *a quo*. Kedua, cara menentukan kewenangan mengadili (kompetensi relatif) Pengadilan Hubungan Industrial telah ditetapkan dalam Pasal 81 UU No. 2 Tahun 2004. Hal ini dikuatkan dengan Putusan Mahkamah Agung Nomor 446 K/Pdt.Sus-PHI/2014, Putusan Sela Nomor 34/Pdt.Sus-PHI/2019/PN.Yyk, Putusan Sela Nomor 39/Pdt.Sus-PHI/2019/PN.Yyk, dan Putusan Kasasi Nomor 188 K/Pdt.Sus-PHI/2020, sehingga penentuan kompetensi relatif PHI berbeda dengan PN yang diatur dalam Pasal 118 HIR, RBg, dan 99 Rv.

**Kata Kunci:** Kompetensi Relatif, Pengadilan Hubungan Industrial, Pemutusan Hubungan Kerja.

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## ABSTRACT

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*This study aims to determine the reasons for judges' consideration in the interim decision No: 153 / Pdt.Sus-PHK / 2018 / PN.Sby; No: 34 / Pdt.Sus-PHK / 2019 / PN.Yyk; and No: 39 / Pdt.Sus-PHK / 2019 / PN.Yyk in interpreting the authority to adjudicate (relative competence) of the Industrial Relations Court and analyze how to determine the authority to adjudicate (relative competency) of the Industrial Relations Court based on applicable laws and regulations due to the Laws Law Number 2 of 2004 does not regulate the explanation of Article 81 concerning the authority to adjudicate (relative competence) the Industrial Relations Court.*

*The nature of this research is analytical descriptive with the type of normative research that uses the statutory approach with the case study method. The legal material used is secondary. While the data collection techniques used literature study and interviews, then analyzed qualitatively.*

*The results of the research are: First, Interim Decision 153 / Pdt.Sus-PHI / PN.Sby, the panel of judges believes that PT Peksi Gunaraharja is a single company and does not have a branch office in Blitar, as well as mediation of industrial relations disputes carried out in Yogyakarta Disnakertrans. So PHI in Yogyakarta District Court, which has the authority to adjudicate the a quo case. Whereas in Interim Decision Number: 34 / Pdt.Sus-PHI / 2019 / PN.Yyk and Number: 39 / Pdt.Sus-PHI / 2019 / PN.Yyk The Panel of Judges believes that the relative competence of PHI is in a court whose jurisdiction is in the worker's area a day days (de facto) not at the office as the employer / remuner. Strengthened with a letter of assignment (Exhibit T-2) and jurisprudence of the Supreme Court Number: 446 K / Pdt.Sus-PHI / 2014 dated 9 September 2014, so that the PHI at the Surabaya District Court, which has the authority to hear a quo case. Second, how to determine the authority to adjudicate (relative competence) the Industrial Relations Court has been established in Article 81 of Law No. 2 of 2004. This was corroborated by the Supreme Court Decision Number 446 K / Pdt.Sus-PHI / 2014, Interim Decision Number 34 / Pdt.Sus-PHI / 2019 / PN.Yyk, Interim Decision Number 39 / Pdt.Sus-PHI / 2019 / PN.Yyk, and Cassation Decision Number 188 K / Pdt.Sus-PHI / 2020, so that the determination of the relative competence of PHI is different from the PN regulated in Article 118 HIR, RBg, and 99 Rv.*

**Keywords:** *Relative Competence, Industrial Relations Court, Termination of Employment.*

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