

## INTISARI

### TINJAUAN YURIDIS SERIKAT PEKERJA SEBAGAI KUASA HUKUM ANGGOTANYA DI PENGADILAN HUBUNGAN INDUSTRIAL

Oleh

**Dwi Tirtousada<sup>1</sup> Ari Hernawan<sup>2</sup>**

Penelitian ini bertujuan untuk menganalisis syarat pemberian kuasa pengurus serikat pekerja sebagai kuasa hukum di Pengadilan Hubungan Industrial dan menganalisis upaya hukum terhadap putusan Pengadilan Hubungan Industrial, sebagai lembaga yang tidak adanya kekuatan eksekutorial yang mengharuskan pengusaha/organisasi pengusaha untuk melaksanakan isi putusan

Penelitian ini merupakan penelitian yuridis-normatif yang bersifat deskriptif. Penelitian ini melalui penelitian kepustakaan atas berbagai bahan hukum yaitu bahan hukum primer, bahan hukum sekunder dengan cara studi dokumen melalui teknik dokumentasi. Analisis data penelitian ini menggunakan metode analisis kualitatif dan berbentuk deskriptif yang menggambarkan kenyataan-kenyataan atau keadaan sebenarnya, sehingga dari penelitian ini mampu memberikan kesimpulan terhadap permasalahan yang ada.

Hasil penelitian ini menunjukkan pertama, surat kuasa tidak menjadi satu-satunya syarat mutlak agar pengurus serikat pekerja, federasi atau konfederasi serikat pekerja dapat berperkara di Pengadilan Hubungan Industrial. Serikat Pekerja, federasi atau konfederasi serikat pekerja sebagai wakil kuasa hukum di dalam Pengadilan Hubungan Industrial harus dapat memberikan identitas diri lainnya seperti halnya sudah terdaftar di dalam disnaker. Kedua, apabila pengusaha tetap tidak mau menjalankan putusan upaya hukum yang dapat dilakukan adalah dapat diajukan kasasi sebagai upaya hukum terakhir. Selain itu walaupun tidak diatur dalam UU PPHI bukan berarti upaya hukum Peninjauan Kembali dilarang. Dalam eksekusi pembayaran sejumlah uang jika pengusaha tetap tidak mau melaksanakan dapat pula dilakukan sita eksekutorial dan akan di lelang, selain itu dapat dilakukan juga dengan mengajukan gugatan pailit ke pengadilan niaga atau melaporkan ke pihak kepolisian dengan dasar-dasar yang sesuai terhadap perilaku yang tidak mau melaksanakan putusan Pengadilan Hubungan Industrial tersebut.

Kata Kunci : Serikat Pekerja, Kuasa Hukum, Pengadilan Hubungan Industrial

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*ABSTRACT*

**JURIDICAL REVIEW OF LABOR UNION AS ATTORNEY-AT-LAW OF ITS MEMBERS IN THE INDUSTRIAL RELATION COURT**

By

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This dissertation aims to analyze the requirements for granting power of attorney to trade union officials as an attorney-at-law in the Industrial Relations Court and to analyze legal remedies against the Industrial Relations Court Decision, as an institution that does not have executive power requiring employers / employers' organizations to carry out the contents of the decision.

This research is a juridical-normative research which is descriptive in nature. This research is carried out through library research on various legal materials, namely primary legal materials, secondary legal materials by means of document study through documentation techniques. The obtained data was analyzed using the qualitative analysis method and is in the form of descriptive in order to describe the actual facts or circumstances, so that this research is able to provide conclusions on existing problems.

This research comes to the conclusion that firstly, the power of attorney is not the only absolute condition for the officials of a labor union, federation or confederation of trade unions can sue in the Industrial Relations Court. Trade unions, federations or confederations of trade unions as representatives of attorney-at-law in the Industrial Relations Court must be able to provide another identity as if they have been registered with the man power agency. Second, if the employer still does not want to carry out the verdict on legal remedies that can be taken if it is a case of conflict of interest and a dispute between trade unions in one company is a final and permanent decision, while a verdict regarding disputes over rights and dismissals can be filed for cassation as a final legal remedies. In addition, even though it is not regulated in the UU PPHI it does not mean that legal remedies for judicial review are prohibited. In the execution of the payment of an amount of money if the company still does not want to carry out the execution can also be confiscated and will be auctioned, besides that it can also be done by filling a bankruptcy lawsuit to the commercial court or reporting to the police on appropriate grounds for behavior that does not want to implement the Industrial Relations Court Decision.

**Keywords: Labor Union, Attorney-at-law/Legal Counsel, Industrial Relations Court**

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