

SISTEM PENILAIAN KINERJA DAN DAMPAKNYA TERHADAP PERLINDUNGAN HAK-HAK PEKERJA OUTSOURCING DARI PERSPEKTIF UNDANG-UNDANG KETENAGAKERJAAN

INTISARI

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Penelitian ini dilakukan dengan permasalahan tentang apakah standarisasi sistem penilaian kinerja terhadap pekerja/buruh *outsourcing* telah sesuai dengan Undang-Undang Ketenagakerjaan dan bagaimana dampak pelaksanaan penilaian kinerja jika dikaitkan dengan aspek-aspek perlindungan hukum pekerja/buruh *outsourcing*. Adapun tujuan dari penelitian ini adalah untuk mengetahui standarisasi Sistem Penilaian Kinerja yang diterapkan pada pekerja *outsourcing* serta kesesuaiannya dengan pengaturan dalam Undang-Undang Ketenagakerjaan. Selain itu, penelitian ini juga bertujuan untuk mengetahui dampak dari sistem penilaian kinerja yang selama ini diterapkan pada pekerja *outsourcing*.

Metode yang digunakan penelitian ini menggunakan jenis penelitian normatif yang didukung dengan pendekatan empiris dalam penerapan sistem penilaian kinerja pada pekerja *outsourcing*. Dimana dengan menggunakan perspektif Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, penelitian ini mencoba untuk mengkaji objektivitas penerapan sistem penilaian kinerja terhadap pekerja *Outsourcing*.

Berdasarkan penelitian ini ditemukan beberapa dampak dari penerapan sistem penilaian kinerja khususnya pada pekerja *outsourcing*, seperti kerentanannya terhadap tindakan diskriminasi dan eksploitasi terhadap pekerja *outsourcing*. Terkait dengan objektivitas sistem penilaian kinerja, peneliti mengkajinya dari tiga aspek, yakni aspek perundang-undangan, aspek perjanjian kerja, dan aspek hubungan industrial, dengan memperhatikan ketiga aspek tersebut maka suatu sistem penilaian kinerja dapat diukur objektivitasnya. Kesimpulan dari penelitian ini, sistem penilaian kinerja yang diterapkan pada pekerja *outsourcing* memberikan dampak terhadap hak-hak pekerja yang dilindungi di Undang-Undang Ketenagakerjaan, sehingga dibutuhkan adanya perubahan paradigma dalam penilaian kinerja yang selama ini diterapkan, selain itu, suatu sistem penilaian kinerja seharusnya dapat dinilai terlebih dahulu objektivitasnya dengan melihat tiga aspek utama, yakni aspek peraturan perundang-undangan, aspek perjanjian kerja, serta aspek hubungan industrial.

Kata Kunci: *Outsourcing*, Sistem Penilaian Kinerja, Perlindungan Hak Pekerja Outsourcing

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PERFORMANCE APPRAISAL SYSTEM AND ITS IMPACT ON THE PROTECTION OF OUTSOURCED WORKERS' RIGHTS FROM THE PERSPECTIVE OF EMPLOYMENT LAW

ABSTRACT

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This research is done with the issue of whether the standardization of the system for assessing performance against the workers and *outsourcing* was in accordance with the Labor Laws and how the impact of the implementation of performance assessment if associated with aspects of the protection of the law workers *outsourcing*. The objective of this research is to know the standardization of Performance Appraisal System is applied to the *outsourcing workers* and with statutory settings in Labor Laws. In addition, this research also aims to know the impact of the performance evaluation system during this is applied on the *outsourcing workers*.

The method used by this researched are using the type of the normative research that supported by empirical approach in the implementation of the system performance assessment on the outsourcing workers. Where using the perspective of Act No. 13 The year 2003 about employment, this research attempts to examine the comprehensiveness the implementation of the system for assessing performance against the *outsourcing workers*.

Based on this research found some of the impacts of the implementation of the system for assessing performance especially on the *outsourcing workers*, such as the glaring lack of action against discrimination and exploitation of the *outsourcing workers*. Related to the comprehensiveness performance appraisal system, researchers occurrences of the three aspects of the aspects of the legislation, aspects of the working agreement and aspects of industrial relationship with attention to the three aspects and a performance appraisal system can be measured objectivity. The conclusion from this research, performance appraisal system is applied to the *outsourcing workers* give impact to the rights of protected workers in labor laws, so needed a paradigm change in performance assessment during this is applied, as well as a performance evaluation system should be considered first objectivity in view of the three main aspects of the aspects of the legislation, aspects of the covenant as well as aspects of industrial relations.

Keywords: Outsourcing, Performance Appraisal System and Protection of Outsourced Workers' Rights

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