

**TINDAKAN PENGUSAHA YANG MENGALAMI KRISIS KEUANGAN  
PADA MASA PANDEMI COVID-19 TERHADAP  
PARA TENAGA KERJA**

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**ABSTRAK**

(xiv+90 halaman; 2 tabel; 8 lampiran)

Tujuan penelitian ini adalah untuk mengetahui pengaturan hukum ketenagakerjaan mengenai tindakan pengusaha yang melakukan pemutusan hubungan kerja, pemotongan upah, dan merumahkan pekerja ketika mengalami krisis keuangan pada masa pandemi COVID-19 dan tanggung jawab pengusaha terhadap pekerja yang di-PHK, dirumahkan, dan dipotong upahnya akibat pandemi COVID-19.

Penelitian ini adalah penelitian normatif-empiris yakni merupakan penelitian ketentuan hukum normatif atau peraturan perundang-undangan dalam aksinya pada peristiwa hukum dalam suatu masyarakat, yang prosesnya masih berlangsung (*live case study*). Data yang digunakan adalah data primer dan data sekunder yang dikumpulkan dari studi kepustakaan dan studi lapangan. Data yang diperoleh dianalisis secara kualitatif. Penelitian ini menggunakan pendekatan undang-undang dan pendekatan konseptual.

Hasil penelitian menunjukkan bahwa ada 3 (tiga) bentuk tindakan pengusaha terhadap pekerjanya pada masa pandemi COVID-19, yaitu melakukan PHK, pemotongan upah, dan merumahkan pekerjanya. Perusahaan dapat melakukan PHK pada masa pandemi COVID-19 dengan alasan keadaan memaksa apabila perusahaan tutup dan pandemi COVID-19 berdampak langsung pada kegiatan operasional perusahaan, atau alasan efisiensi apabila perusahaan mengalami kerugian dan telah melakukan sejumlah langkah penyelamatan dalam rangka efisiensi. Pengusaha dapat melakukan pemotongan upah setelah melalui kesepakatan dengan pekerja, apabila tidak dapat membayar upah pekerja secara penuh. Tindakan merumahkan pekerja pada masa pandemi COVID-19 dapat dilakukan atas kesepakatan, apabila pengusaha tidak menerapkan *unpaid leave* (cuti di luar tanggungan) karena hal tersebut adalah hak pekerja. Apabila terjadi PHK, pengusaha bertanggung jawab untuk membayar uang ganti rugi bagi pekerja yang PKWT-nya belum berakhir, dan bagi pekerja PKWTT pengusaha membayar uang pesangon, uang penghargaan masa kerja, dan uang penggantian hak. Pengusaha dapat mengupayakan perundingan bipartit mengenai perubahan besaran dan cara pembayaran upah dengan pekerja yang dipotong upahnya atau dirumahkan dengan didasari itikad baik, karena masih berstatus sebagai pekerja.

**Kata kunci: Pengusaha, Pekerja, Pemutusan Hubungan Kerja, Pemotongan Upah, Merumahkan.**

Referensi: 66 (1988-2021)

**THE MEASURES TAKEN BY EMPLOYERS WHO SUFFERED FROM  
FINANCIAL CRISIS DURING COVID-19 PANDEMIC  
TOWARDS MANPOWER**

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**ABSTRACT**

(xiv+90 pages; 2 tables; 8 appendices)

*The purpose of this research is to understand the labor law regulations regarding the actions of employers who terminate employment, cut wages, and lay off workers when experiencing a financial crisis during the COVID-19 pandemic and employers' responsibility for workers about termination of employment, wage cut, and laying off workers due to the COVID-19 pandemic.*

*This research is a normative empirical research, which studied the normative legal provisions or statutory regulations in the ongoing legal events that happened in a society (live case study). The data used in this research were primary data and secondary data which were collected from library research and field research. The data obtained were analyzed qualitatively. This research used a statutory approach and a conceptual approach.*

*This research showed that there were 3 (three) measures taken by employers towards the workers during COVID-19 pandemic, that is termination of employment, wage cut, and laying off. There were two reasons for termination of employment during the COVID-19 pandemic, that is force majeure and efficiency. Force majeure applied when the company closed and the COVID-19 pandemic had a direct impact on the company's operational activities, while efficiency applied when the company experienced losses and had taken several rescue steps in the context of efficiency. Employers who were not able to pay full wages were allowed to cut wages after reaching an agreement with workers. The act of laying off workers during COVID-19 pandemic could be carried out by agreement, if the employer did not apply for unpaid leave because it was the worker's right. In the event of termination of employment, employers were responsible for paying compensation money for workers whose work agreement had not ended, and paying severance pay, sum of money paid as reward for service rendered during the worker's term of employment, and compensation pay to workers with a work agreement for an unspecified period of time. Employers might seek bipartite negotiations regarding changes in the amount and method of payment of wages with workers whose wages were deducted or laying off in good faith, because they were still workers in the company.*

**Keywords: Employers, Workers, Termination Of Employment, Wage Cut, Layoff.**

**References: 66 (1988-2021)**