

**ANALISIS PEMUTUSAN HUBUNGAN KERJA AKIBAT PERUSAHAAN  
TERBAKAR PADA PT RICHTEX GARMINDO  
(Studi Putusan MA No. 726 K/Pdt.Sus-PHI/G/2015)**

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**ABSTRAK**

Tujuan Penelitian ini adalah untuk mengetahui dan menggambarkan bagaimana pemutusan hubungan kerja akibat perusahaan terbakar pada PT. Richtex Garmino dalam Putusan No. 726 k/Pdt.sus-PHI/G/2015 sesuai dengan asas keadilan, serta bagaimana pertimbangan hakim mengadili perselisihan hubungan industrial dalam pemutusan hubungan kerja akibat perusahaan terbakar pada PT. Richtex Garmino berdasarkan Putusan No. 726 k/Pdt.sus-PHI/G/2015.

Penelitian ini adalah penelitian hukum normatif. Data yang digunakan adalah data sekunder, bersumber dari peraturan perundang-undangan dan Putusan PHI. Pengumpulan data melalui studi kepustakaan (*library research*). Metode analisis dilakukan secara deskriptif.

Hasil penelitian menunjukkan bahwa Pemutusan hubungan kerja akibat perusahaan terbakar pada PT. Richtex Garmino termasuk kedalam perbuatan bencana atau *Force majeure* (keadaan memaksa), sebagaimana pemutusan hubungan kerja tersebut diatur dalam Pasal 164 ayat (1) Undang-undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Akan tetapi dalam Putusan MA No. 726 k/Pdt.sus-PHI/G/2015, perusahaan tidak melakukan pembayaran uang pesangon, uang penghargaan masa kerja, dan uang penggantian hak kepada pekerja, sehingga pemutusan hubungan kerja yang dilakukan tidak sesuai dengan asas keadilan bagi pekerja. Pertimbangan hakim mengadili perselisihan hubungan industrial dalam pemutusan hubungan kerja akibat perusahaan terbakar pada PT. Richtex Garmino berdasarkan Putusan No. 726 k/Pdt.sus-PHI/G/2015, dimana Majelis Hakim mempertimbangkan bahwa Pengadilan Hubungan Industrial pada Pengadilan Negeri Semarang telah salah menerapkan hukum tentang daluwarsa mengajukan gugatan, sebagaimana terhitung mulai diterimanya Putusan Mahkamah Agung dalam perkara sebelumnya yang memberi putusan “gugatan tidak dapat diterima” sampai dengan gugatan diajukan telah melebihi tenggang waktu 2 (dua) tahun sehingga gugatan Para Penggugat telah kadaluwarsa. Akan tetapi berdasarkan analisis yang dilakukan seharusnya Majelis Hakim dapat menjadikan perihal *force majeure* (keadaan memaksa) sebagai pertimbangan pokok dalam mengabulkan pemutusan hubungan kerja yang dilakukan oleh perusahaan, sebab fakta-fakta hukum telah terlihat jelas bahwa perusahaan mengalami kebakaran sehingga hubungan kerja antara pengusaha dan pekerja tidak dapat dilanjutkan.

**Kata kunci: Analisis, Pemutusan, Hubungan Kerja, Perusahaan, Terbakar.**

**ANALYSIS OF TERMINATION OF EMPLOYEE RELATIONSHIP DUE TO  
FIRM AT PT RICHTEX GARMINDO  
(Study of Supreme Court Decision No. 726 K/Pdt.Sus-PHI/G/2015)**

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**ABSTRACT**

*The purpose of this study was to determine and describe how the termination of employment due to the company burning at PT. Richtex Garmino in Decision No. 726 k/Pdt.sus-PHI/G/2015 in accordance with the principle of justice, as well as how the judge's considerations in adjudicating industrial relations disputes in terminating employment due to the company burning at PT. Richtex Garmino based on Decision No. 726 k/Pdt.sus-PHI/G/2015.*

*This research is a normative legal research. The data used is secondary data, sourced from laws and regulations and the IRC Decision. Collecting data through library research (library research). The method of analysis is done descriptively. The results showed that the termination of employment due to the company burning at PT. Richtex Garmino is included in the act of disaster or Force majeure (force majeure), as the termination of employment is regulated in Article 164 paragraph (1) of Law Number 13 of 2003 concerning Manpower. However, in the Supreme Court Decision No. 726 k/Pdt.sus-PHI/G/2015, the company does not pay severance pay, service pay, and compensation for rights to workers, so that the termination of employment is not in accordance with the principle of justice for workers. The judge's consideration in adjudicating industrial relations disputes in the termination of employment due to the company burning at PT. Richtex Garmino based on Decision No. 726 k/Pdt.sus-PHI/G/2015, where the Panel of Judges considered that the Industrial Relations Court at the Semarang District Court had wrongly applied the law regarding the expiration of filing a lawsuit, as from the receipt of the Supreme Court's decision in the previous case which gave the decision "the lawsuit is not acceptable" until the lawsuit filed has exceeded the grace period of 2 (two) years so that the claim of the Plaintiffs has expired. However, based on the analysis carried out, the Panel of Judges should be able to make the matter of force majeure as the main consideration in granting the termination of employment by the company, because the legal facts have clearly seen that the company experienced a fire so that the working relationship between the employer and employee can not be continued.*

*Keywords: Analysis, Termination, Employment Relationship, Company, Burned.*