

**ANALISIS PENYELESAIAN PERSELISIHAN PEMUTUSAN
HUBUNGAN KERJA KARENA PEKERJA
MELAKUKAN KESALAHAN BERAT PT MOWILEX INDONESIA
(STUDI PUTUSAN NO. 32/PDT.SUS-PHI/2021/PN.SBY)**

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ABSTRAK

Tujuan penelitian ini adalah untuk mengetahui keabsahan ketentuan kesalahan berat ex Pasal 158 UU KT sebagai alasan PHK sepihak yang dimuat di dalam Peraturan Perusahaan dan untuk mengetahui penyelesaian kasus PHK karena kesalahan berat dalam Putusan No. 32/Pdt.Sus-PHI/2021/PN Sby.

Metode Penelitian yang digunakan adalah normatif empiris, dalam penelitian ini digunakan penelitian kepustakaan dengan pendekatan studi kasus dalam Putusan Pengadilan Hubungan Industrial sebagai implementasi ketentuan normatif pada peristiwa PHK yang terjadi di masyarakat. Data yang digunakan data sekunder yang besumber dari penelitian kepustakaan. Analisis data secara kualitatif.

Hasil penelitian, pengaturan kesalahan berat dalam Peraturan Perusahaan yang menjadi alasan PHK adalah sah didasarkan Pasal 61 ayat (1) huruf e UU KT setelah UU Ciptaker jo Pasal 61 ayat (1) huruf d UU KT sebelum UU Ciptaker. Kesalahan berat tersebut dapat menimbulkan ancaman terhadap keselamatan jiwa manusia, bertentangan dengan etika moral dan kerugian perusahaan. Terdapat perbedaan pendapat mengenai implementasi Putusan MK No.012/PUU-I/2003 yang menganulir Pasal 158 UU KT berisi kesalahan berat MA melalui SEMA No. 3 Tahun 2015, PHK karena kesalahan berat yang dilakukan pekerja dapat dilakukan tanpa menunggu adanya putusan pengadilan pidana. SE Menakertrans No. SE-13/MEN/SJ-HK/I/2005, harus diperoleh dahulu putusan pidana dari seorang hakim pidana mempunyai kekuatan hukum (*inkracht van gewijsde*). Penyelesaian kasus PHK karena kesalahan berat dalam Putusan No. 32/Pdt.Sus-PHI/2021/PN Sby dari segi prosedur telah sesuai dengan mekanisme yang diatur oleh UU PPHI. PHK karena alasan kesalahan berat yang dicantumkan dalam Peraturan Perusahaan, dinyatakan batal demi hukum, karena tidakenuhi Pasal 151 ayat (3) UU KT jo. Pasal 161 UU KT sebelum UU Ciptaker jo, Pasal 154A ayat (1) huruf k UU KT setelah UU Ciptaker. Penyelesaian pembayaran hak pekerja akibat PHK berupa uang pisah dyang diatur dalam Peraturan Perusahaan lebih rendah kuantitasnya dari peraturan undang-undangan yang berlaku.

Kata kunci : Pemutusan Hubungan Kerja, Kesalahan Berat, Peraturan Perusahaan.

**ANALYSIS OF DISPUTE SETTLEMENT OF TERMINATION OF
EMPLOYEE RELATIONSHIP DUE TO A WORKER
DOING A SERIOUS MISTAKE PT MOWILEX INDONESIA
(STUDY OF DECISION NO. 32/PDT.SUS-PHI/2021/PN.SBY)**

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ABSTRACT

The purpose of this study was to determine the validity of the provisions for grave errors ex Article 158 of the KT Act as the reason for unilateral layoffs contained in the Company Regulations and to determine the settlement of cases of layoffs due to serious errors in Decision No. 32/Pdt.Sus-PHI/2021/PN Sby.

The research method used is empirical normative, in this study used library research with a case study approach in Industrial Relations Court Decisions as the implementation of normative provisions on layoffs that occur in the community. The data used are secondary data sourced from library research. Qualitative data analysis.

The results of the study, the regulation of serious errors in the Company Regulations which became the reason for the layoffs was valid based on Article 61 paragraph (1) letter e of the KT Law after the Copyright Law in conjunction with Article 61 paragraph (1) letter d of the KT Law before the Ciptaker Law. Such serious mistakes can pose a threat to the safety of human life, contrary to moral ethics and company losses. There are differences of opinion regarding the implementation of the Constitutional Court's Decision No.012/PUU-I/2003 which annulled Article 158 of the KT Law containing the MA's grave error through SEMA No. 3 of 2015, layoffs due to serious mistakes made by workers can be carried out without waiting for a criminal court decision. SE Minister of Manpower and Transmigration No. SE-13/MEN/SJ-HK/I/2005, a criminal decision must be obtained from a criminal judge having legal force (inkracht van gewijsde). Settlement of cases of layoffs due to serious errors in Decision No. 32/Pdt.Sus-PHI/2021/PN Sby from a procedural point of view, it is in accordance with the mechanism regulated by the PPHI Law. Layoffs due to serious mistakes as stated in the Company Regulations are declared null and void by law, because they do not comply with Article 151 paragraph (3) of the KT Law jo. Article 161 of the KT Law before the Copyright Law jo, Article 154A paragraph (1) letter k of the KT Law after the Ciptaker Law. Settlement of payment of workers' rights due to layoffs in the form of separate money regulated in the Company Regulations is lower in quantity than the applicable laws and regulations.

Keywords: Termination of Employment, Serious Mistakes, Company Regulations