

**PERLINDUNGAN HUKUM BAGI TENAGA KERJA
YANG MEMUTUS HUBUNGAN KERJA PASCA
PENGAMBILALIHAN PERUSAHAAN
(STUDI PUTUSAN NO. 9/PDT.SUS-PHI/2017/PNPLK)**

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ABSTRAK

Tujuan penelitian ini adalah untuk mengetahui hak-hak tenaga kerja akibat perusahaan diambil-alih menurut UU Ketenagakerjaan serta menggambarkan implementasi hukum tentang perlindungan dan penyelesaian hukum bagi pekerja yang melakukan pemutusan hubungan kerja dalam hal terjadi pengambil-alihan perusahaan pada Putusan No. 09/Pdt.Sus-PHI/2017/PN PLK.

Penelitian ini adalah penelitian normatif. Sumber data yang digunakan adalah data sekunder yang diperoleh melalui bahan kepustakaan berupa perundang-undangan yang terkait dengan penelitian, pendapat ahli, hasil penelitian, dan kamus. Pengumpulan data dilakukan dengan studi kepustakaan. Jenis pendekatan penelitian yang digunakan ialah pendekatan perundang-undangan dan pendekatan kasus dalam Putusan PHI. Data yang dikumpulkan oleh penulis dianalisis secara kualitatif.

Hasil penelitian, UU Ketenagakerjaan telah mengatur hak yang seimbang kepada tenaga kerja dan pengusaha bila terjadi pengambilalihan perusahaan, yakni sama-sama berhak mengakhiri atau melanjutkan hubungan kerja. Jika hubungan kerja berakhir karena pekerja memutus hubungan kerja, sesuai Pasal 163 ayat (1) hak-hak pekerja adalah uang pesangon 1 kali ketentuan Pasal 156 ayat (2), uang penghargaan masa kerja 1 kali ketentuan Pasal 156 ayat (3) dan uang penggantian hak sesuai Pasal 156 ayat (4). Jika perusahaan pengambil alih yang memutus hubungan kerja, sesuai Pasal 163 ayat (2) pekerja berhak atas uang pesangon 2 kali ketentuan Pasal 156 ayat (2), uang penghargaan masa kerja dan uang penggantian. Implementasi perlindungan hak tenaga kerja yang memutus hubungan kerja akibat pengambilalihan perusahaan pada Putusan No. 09/Pdt.Sus-PHI/2017/PN PLK, telah sesuai dengan perlindungan hukum formil. Implementasi perlindungan hukum materil berupa pembayaran uang pesangon, uang penghargaan masa kerja dan uang penggantian hak yang diputuskan oleh Majelis Hakim dalam perkara tersebut telah sesuai Pasal 163 ayat (1) UU Ketenagakerjaan. Implementasi pembayaran upah pekerja yang belum dibayar telah sesuai Pasal 88 jo. Pasal 93 UU Ketenagakerjaan. Implementasi hak pekerja atas denda keterlambatan pembayaran upah oleh pengusaha, sebagaimana Pasal 95 ayat (2) dan (3) jo. Pasal 53 PP No. 78 Tahun 2015.

Kata Kunci : Perlindungan Hukum, Hak Tenaga Kerja, Pemutusan Hubungan Kerja, Pengambilalihan Perusahaan, Putusan Pengadilan

**LEGAL PROTECTION FOR WORKERS WHO TERMINATE THEIR
EMPLOYMENT DUE TO DISPUTES AFTER THE TAKEOVER OF THE
COMPANY (STUDY OF DECISION NO. 9 / PDT. SUS-PHI/2017/PNPLK)**

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ABSTRACT

The purpose of this study is to find out the rights of workers due to companies being taken over according to the Manpower Law and to describe the implementation of the law regarding protection and legal settlement for workers who terminate their employment in the event of a company takeover in Decision No. 09/Pdt.Sus-PHI/2017/PN PLK.

This research is normative research. The data sources used are secondary data obtained through library materials in the form of laws related to research, expert opinions, research results, and dictionaries. Data collection was carried out by means of a literature study. The type of research approach used is the statutory approach and the case approach in the PHI Decision. The data collected by the authors were analyzed qualitatively.

The results of the study show that the Labor Law has regulated equal rights for workers and employers in the event of a company takeover, namely that both have the right to terminate or continue the employment relationship. If the employment relationship ends because the worker terminates the employment relationship, according to Article 163 paragraph (1) the workers' rights are 1 time severance pay stipulated in Article 156 paragraph (2), 1 time service reward pay stipulations in Article 156 paragraph (3) and compensation money rights according to Article 156 paragraph (4). If the taking over company terminates the employment relationship, according to Article 163 paragraph (2) the worker is entitled to severance pay 2 times the provisions of Article 156 paragraph (2), long service pay and compensation money. Implementation of the protection of workers' rights which terminates the employment relationship as a result of a company takeover in Decision No. 09/Pdt.Sus-PHI/2017/PN PLK, is in accordance with formal legal protection. The implementation of material legal protection in the form of severance pay, gratuity pay and compensation for rights decided by the Panel of Judges in this case is in accordance with Article 163 paragraph (1) of the Manpower Law. The implementation of payment of unpaid workers' wages is in accordance with Article 88 jo. Article 93 of the Labor Law. Implementation of workers' rights to fines for late payment of wages by employers, as referred to in Article 95 paragraphs (2) and (3) jo. Article 53 PP No. 78 of 2015.

Keywords: Rights, Labor, Company, Takeover, Legal Protection.