

ABSTRACT

Queena Sakti Citra Maharani (01051210028)

JURIDICAL ANALYSIS OF JUDGES INCONSISTENCIES IN THE CONVERSION OF PKWT TO PKWTT EMPLOYMENT STATUS AT PT. AG: A CASE STUDY OF DECISION NO. 103/PDT.SUS-PHI/2021/PN SRG

(xiii + 100 pages)

This research delves into the legal considerations judges employ in converting limited-term employment agreements (PKWT) to indefinite-term employment agreements (PKWTT), as exemplified in case number 103/Pdt.Sus-Phi/2021/Pn Srg between the employees and PT AG. This case was selected due to the prevalent discrepancies between Indonesian labor regulations and real-world practices, particularly regarding the status of PKWTs in jobs of a temporary nature but based on continuous orders, often involving limited employment terms. The research aims to conduct a juridical analysis of legal protection and the certainty of employment status in this case, with a focus on assessing the extent to which the judge's decision to convert the PKWT status ex officio contributes to the principles of justice and legal certainty for the employee. Utilizing a normative legal method with a descriptive-analytical approach, this study gathers data through a literature review of applicable laws and regulations, court decisions, and legal doctrine. PT AG, a company that terminated its employees' employment, serves as the research object and case study to be analyzed against the prevailing legal framework. The findings of this research are expected to contribute to developing the concept of justice in industrial relations, particularly in defining the limits of the temporary use of PKWTs and protecting the rights of workers employed under continuous temporary PKWTs in Indonesia. The judge's decision in case number 103/Pdt.Sus-Phi/2021/Pn Srg mandated converting the employee's employment status from a limited-term to an indefinite-term agreement. This decision was grounded in the continuous nature of the work, rendering it incompatible with the criteria for a limited-term contract. While PT Aggionmultimex International Group had adhered to most legal provisions governing PKWTs, its failure to fully comply with compensation obligations for terminated PKWT employees highlighted the need for more comprehensive adherence to labor regulations to prevent future legal disputes. The judge's decision to convert the employee's status from PKWT to PKWTT serves to reinforce the principle that continuous work should not be bound by limited-term contracts. Although the company had largely complied with the relevant provisions of labor law, its non-compliance with compensation requirements underscores the imperative of ensuring full adherence to labor regulations to forestall future legal conflicts.

References: 64 (1945-2023)

Keywords: Legal certainty, Converting limited-term employment agreements (PKWT), Labor-intensive industries.