

RINGKASAN

Nurdiana Nasution
220510115

**ANALISIS PERTANGGUNGJAWABAN HUKUM
MENGENAI PEMUTUSAN HUBUNGAN KERJA
SEPIHAK (PHK) DAN PEMBERIAN HAK
PESANGON (Studi Putusan: 125/Pdt.Sus-
PHI/2020/PN Mdn)
(Prof. Dr. Faisal, S.Ag., S.H., M.Hum dan Dr.
Hamdani, S.H., LL.M)**

Dinamika hubungan industrial dalam Putusan Nomor 125/Pdt.Sus-PHI/2020/PN Mdn menunjukkan sengketa antara 126 pekerja dan PT Fairco Bumi Lestari Crumb Rubber Industri setelah perusahaan menghentikan operasional dan pembayaran upah dengan alasan kerugian serta pandemi COVID-19. Penelitian ini mengkaji pertanggungjawaban hukum pengusaha atas PHK sepihak dan akibat hukum terhadap pemenuhan hak pesangon. Penelitian bertujuan menjelaskan bentuk pertanggungjawaban pengusaha dan menganalisis akibat hukum dalam putusan tersebut. Secara teoritis, penelitian diharapkan memperkaya kajian hukum perdata dan ketenagakerjaan, sedangkan secara praktis dapat menjadi bahan pertimbangan bagi pekerja, pengusaha, praktisi, dan aparat penegak hukum.

Kajian kepustakaan penelitian bertumpu pada konsep pemutusan hubungan kerja, jenis-jenis PHK, perjanjian kerja, pertanggungjawaban hukum pengusaha, perlindungan pekerja, serta hak pesangon. Landasan normatifnya terutama mengacu pada Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan beserta perubahannya, ketentuan mengenai penyelesaian perselisihan hubungan industrial, dan pengaturan hak-hak normatif pekerja setelah PHK.

Hasil penelitian menunjukkan bahwa pertanggungjawaban hukum pengusaha timbul akibat pengabaian terhadap tahapan perundingan bipartit sebelum dilakukan PHK, sehingga PHK secara sepihak tersebut dinilai cacat prosedural dan batal demi hukum. Selain itu, penggunaan kontrak kerja secara lisan untuk pekerjaan yang bersifat tetap dan terus-menerus mengakibatkan status pekerja beralih menjadi PKWTT. Kondisi tersebut menimbulkan kewajiban bagi pengusaha untuk memenuhi hak-hak normatif pekerja berupa uang pesangon, uang penghargaan masa kerja, dan uang penggantian hak. Kerugian perusahaan tidak menghapus kewajiban tersebut, tetapi menjadi dasar dalam menentukan besaran kompensasi sesuai ketentuan hukum yang berlaku.

Disarankan agar pihak manajemen perusahaan memperbaiki sistem pengelolaan sumber daya manusia dengan memastikan setiap hubungan kerja dituangkan dalam perjanjian tertulis yang memenuhi ketentuan hukum serta mematuhi setiap tahapan penyelesaian perselisihan hubungan industrial, khususnya melalui perundingan bipartit sebelum dilakukan pemutusan hubungan kerja. Selain itu, pemerintah melalui dinas terkait perlu memperketat pengawasan terhadap penggunaan pekerja harian lepas pada pekerjaan yang bersifat tetap serta meningkatkan sosialisasi mengenai pentingnya dokumen kerja yang sah, sehingga dapat memberikan kepastian hukum dan perlindungan terhadap hak-hak normatif pekerja.

Kata Kunci: Pemutusan Hubungan Kerja, Tanggung Jawab Hukum, Hak Pesangon, Hubungan Industrial.

SUMMARY

Nurdiana Nasution
220510115

**LEGAL ANALYSIS OF UNILATERAL
TERMINATION OF EMPLOYMENT (PHK) AND
THE GRANTING OF SEVERANCE RIGHTS (Study of
Decision No. 125/Pdt.Sus-PHI/2020/PN Mdn)**
**(Prof. Dr. Faisal, S.Ag., S.H., M.Hum dan Dr. Hamdani,
S.H., LL.M)**

The industrial relations dispute in Decision Number 125/Pdt.Sus-PHI/2020/PN Mdn involved 126 workers and PT Fairco Bumi Lestari Crumb Rubber Industri after the company ceased operations and wage payments due to financial losses and the COVID-19 pandemic. This study examines the employer's legal liability for unilateral termination of employment and its legal consequences for severance pay rights. It aims to explain the employer's liability and analyze the legal consequences arising from the decision. The study is expected to contribute to civil and labor law studies and to provide practical guidance for workers, employers, legal practitioners, and law enforcement officials.

The literature review is based on the concepts of termination of employment, employment agreements, employer legal liability, worker protection, and severance pay rights. Its normative foundation primarily refers to Law Number 13 of 2003 concerning Manpower and its amendments, industrial relations dispute settlement provisions, and regulations governing workers' normative rights following termination.

The research findings indicate that the employer's legal liability arises from the failure to conduct bipartite negotiations prior to termination of employment, resulting in the unilateral termination being procedurally defective and legally null and void. Furthermore, the use of oral employment contracts for work of a permanent and continuous nature resulted in the workers' employment status being converted into an Indefinite-Term Employment Agreement (PKWTT). This condition obliges the employer to fulfill the workers' normative rights, including severance pay, long-service pay, and compensation for other entitlements. The company's financial losses do not eliminate such obligations but serve as a basis for determining the amount of compensation in accordance with the applicable legal provisions.

It is recommended that company management improve its human resource management system by ensuring that every employment relationship is established through a written agreement that complies with legal requirements and by adhering to every stage of industrial relations dispute resolution, particularly bipartite negotiations prior to termination of employment. In addition, the relevant government authorities should strengthen supervision over the use of daily workers for work of a permanent nature and increase public awareness regarding the importance of valid employment documents, thereby providing legal certainty and protection for workers' normative rights..

Keyword: Termination of Employment, Legal Liability, Severance Pay Rights, Industrial Relations.