

Kajian yuridis terhadap kesejahteraan pekerja outsourcing dengan pekerja kontrak ditinjau dari pembagian pekerjaan di dalam perusahaan kontainer (studi kasus putusan Mahkamah Agung Nomor 216 K/PDT.SUS/2009) = Juridical study welfare of the outsourcing workers and contract workers seen from the division of work in the container company (case study of supreme court number 216 K/PDT.SUS/2009)

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Abstrak

Perjanjian Kerja merupakan awal dari lahirnya hubungan industrial antara pemilik modal dengan pekerja. Akhir-akhir ini banyak perusahaan yang memakai Perjanjian Kerja Waktu Tertentu (PKWT) dan Kontrak untuk menekan biaya pekerja/buruh dan meningkatkan keuntungan. Hanya saja dalam prakteknya banyak penerapan sistem Perjanjian Kerja Waktu Tertentu (PKWT) yang tidak sesuai dengan ketentuan dalam Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, sehingga merugikan dan menghilangkan perlindungan terhadap pekerja/buruh. Salah satu aktivitas di PT. JICT adalah bongkar muat kontainer yang mempunyai resiko tinggi kerugian baik terhadap manusia, property dan proses. Dari hasil penelitian ini disimpulkan, pelaksanaan perlindungan terhadap pekerja/buruh, Perjanjian Kerja Waktu Tertentu (PKWT) masih terdapat berbagai halangan yang disebabkan ketidakjelasan pembagian kerja yang digunakan, sehingga terjadi penyimpangan terhadap penerapan perlindungan terhadap pekerja/buruh Perjanjian Kerja Waktu Tertentu (PKWT).

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Employment agreement is beginning of the industrial relations between the capital owners and workers. Lately, many companies used the Specific Work Agreement (PKWT) and contract to press the workers/laborers cost in order to increase profit. But in its practice many application of the Specific Work Agreement system was not appropriate with the provisions in Regulation Number 13 Year 2003 about Labor, until makes inflict a financial loss and remove the protection for the labor. Stevedoring container is one of the activities in PT. JICT with the highest risk can losses of people, property, and proses. The concluded is the implementation of the protection for the labor with Specific Work Agreement, are still many impediment caused obscurity division work, than make deviation protection of workers/laborers with Specific Work Agreement.;Employment agreement is beginning of the industrial relations between the capital owners and workers. Lately, many companies used the Specific Work Agreement (PKWT) and contract to press the workers/laborers cost in order to increase profit. But in its practice many application of the Specific Work Agreement system was not appropriate with the provisions in Regulation Number 13 Year 2003 about Labor, until makes inflict a financial loss and remove the protection for the labor. Stevedoring container is one of the activities in PT. JICT with the highest risk can losses of people, property, and proses. The concluded is the implementation of the protection for the labor with Specific Work Agreement, are still many impediment caused obscurity division work, than make deviation protection of workers/laborers with Specific Work Agreement.