

Perlindungan hukum terhadap pengalihan hubungan kerja dalam lingkup outsourcing: studi kasus putusan Mahkamah Agung nomor 53K/Pdt.Sus-PHI/2016 = Legal protection towards the transfer of employment relationship in outsourcing: case study of the Supreme Court's decision number 53K/Pdt.Sus-PHI/2016

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Abstrak

Skripsi ini membahas mengenai pengalihan hubungan kerja dalam lingkup outsourcing dengan menganalisis Putusan Mahkamah Agung No. 53K/Pdt.Sus-PHI/2016.

Pembahasan diawali dengan penjabaran mengenai perlindungan pekerja sesuai peraturan ketenagakerjaan Indonesia. Kemudian, akan ditelaah seputar outsourcing dan pengalihan hubungan kerja. Pembahasan dalam skripsi ini ditulis berdasarkan metode yuridis normatif dengan pendekatan deskriptif-analitis dan menggunakan data sekunder. Teknik pengumpulan data penelitian ini menggunakan studi dokumen dan juga wawancara kepada narasumber. Hasil dari penelitian menemukan bahwa pengalihan hubungan kerja akan terjadi jika terdapat pelanggaran peraturan perundang-undangan mengenai outsourcing. Dalam Putusan Mahkamah Agung No. 53K/Pdt.Sus-PHI/2016, terdapat pelanggaran ketentuan outsourcing dan terdapat ketidakpastian mengenai pemberian hak pekerja. Untuk memastikan perlindungan hak pekerja, peraturan perundang-undangan ketenagakerjaan perlu mengatur outsourcing dan pengalihan hubungan kerja secara lebih detail.

.....This thesis discusses the transfer of employment relationship within the scope of outsourcing by analyzing the Supreme Court's Decision No. 53K/Pdt.Sus-PHI/2016. The discussion begins with a description of the protection of labors in accordance with Indonesian labor regulations. Then, will be followed by the discussion of outsourcing and transfer of employment relationship. The discussion in this thesis is written based on the juridical normative method with a descriptive-analytics approach dan used secondary

data. The data collection technique used in this research is document studies and interviews with practitioners. The result of the study found that the transfer of employment relationship will occur if there are violations of regulations regarding outsourcing. In the Supreme Court Decision No. 53K/Pdt.Sus-PHI/2016, there are violations of outsourcing provisions and there is uncertainty regarding the granting of labors' rights. To ensure the protection of labors' rights, labor laws and regulations need to regulate outsourcing and transfer employment relationship in more detail.