

Implikasi Masa Perundingan Perjanjian Kerja Bersama terhadap Hak Pekerja Analisis Putusan Pengadilan Hubungan Industrial pada Pengadilan Negeri Jakarta Pusat Nomor 334/Pdt.Sus-PHI/2020/PN.JKT.PST = Implication Of Collective Labor Agreement Negotiation Period On Worker's Rights Decision Analysis Of Industrial Relations Court At Central Jakarta State Court Number 334/Pdt.Sus-PHI/2020/PN.JKT.PST

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Abstrak

Ketentuan Perjanjian Kerja Bersama (PKB) tidak mengatur perihal batas masa waktu perundingan PKB sehingga memberikan keleluasaan waktu kepada pihak perusahaan dan pihak serikat pekerja/serikat buruh dalam merundingkan PKB yang terbaik bagi semua pihak namun di sisi lain menyebabkan pemenuhan hak-hak pekerja dalam PKB yang baru saja disepakati justru berpengaruh akibat telah terpotong masa waktu perundingan PKB itu sendiri apabila dalam perundingan tidak mengalami kesepakatan. Penelitian menggunakan jenis penelitian yuridis normatif dengan pendekatan studi kasus. Bahan penelitian dianalisis dengan metode analitis deskriptif dengan mengumpulkan dan menganalisa bahan hukum. Ketentuan hak-hak pekerja PT Freeport Indonesia dan pokok-pokok permasalahan yang dirundingkan dalam Perjanjian Kerja Bersama ke-21 PT Freeport Indonesia adalah tuntutan peningkatan kesejahteraan pekerja/buruh; Pph 21 atas THR dan PHK ditanggung perusahaan; kenaikan upah pekerja pratama dan kenaikan upah pekerja muda level 1-3; usia pensiun 57 tahun; dan masa berlaku PKB sejak tanggal 1 Oktober 2019. Implikasi masa perundingan perjanjian kerja bersama terhadap hak pekerja berdasarkan Putusan Pengadilan Hubungan Industrial pada Pengadilan Negeri Jakarta Pusat Nomor 334/Pdt.Sus-PHI/2020/PN.JKT.PST adalah perlindungan hukum bagi hak pekerja menjadi terderogasi akibat masa perundingan PKB itu sendiri yang tidak ada kesepakatan. Ius constituendum terhadap ketentuan masa perundingan perjanjian kerja bersama dan terhadap Putusan Pengadilan Hubungan Industrial pada Pengadilan Negeri Jakarta Pusat Nomor 334/Pdt.Sus-PHI/2020/PN.JKT.PST adalah harus adanya batas waktu perundingan PKB; perlunya aturan pihak yang menolak anjuran mediasi harus mengambil upaya selanjutnya perihal penyelesaian perselisihan hubungan industrial; dan perlunya pertimbangan hakim perihal teori perlindungan hukum pada putusan.The provisions of the Collective Labor Agreement (CLA) do not stipulate the time limit for the CLA negotiations so as to provide flexibility of time for the company and the trade unions/labor unions in negotiating the best CLA for all parties but on the other hand it causes the fulfillment of worker's rights in the CLA that is what had just been agreed had an effect because the time period for the CLA negotiations had been cut short if there was no agreement in the negotiations. This research uses normative juridical research with a case study approach. Research materials were analyzed by descriptive analytical method by collecting and analyzing legal materials. The provisions on the rights of PT Freeport Indonesia's workers and the main issues negotiated in the 21st Collective Labor Agreement of PT Freeport Indonesia are the demands for improving the welfare of workers/laborers; Pph 21 on THR and layoffs borne by the company; an increase in the wages of primary workers and an increase in the wages of young workers level 1-3; retirement age 57 years; and the validity period of the CLA is from October 1, 2019. The implication of the

period of negotiating collective labor agreements on worker's rights based on the Decision of the Industrial Relations Court at the Central Jakarta District Court Number 334/Pdt.Sus-PHI/2020/PN.JKT.PST is legal protection for worker's rights to be derogated as a result of During the CLA negotiation period, there was no agreement. The ius constituendum on the terms of the negotiation period for the collective bargaining agreement and the Industrial Relations Court Decision at the Central Jakarta District Court Number 334/Pdt.Sus-PHI/2020/PN.JKT.PST is that there must be a time limit for the CLA negotiations; the need for rules that parties who reject the suggestion of mediation must take further measures regarding the settlement of industrial relations disputes; and the need for judges' considerations regarding the theory of legal protection in decisions.