

Akibat Hukum Perusahaan Tutup Bagi Pekerja (Analisis Putusan Pengadilan Hubungan Industrial Pada Pengadilan Negeri Bandung No. 224/Pdt.Sus-Phi/2021/Pn.Bdg) = Legal Consequences Of Company Closure For Workers: Legal Analysis Of The Industrial Relations Court On District Court Of Bandung No. 224/Pdt.Sus-Phi/2021/Pn.Bdg

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Abstrak

Perusahaan tutup dapat dijadikan alasan bagi perusahaan untuk melakukan pemutusan hubungan kerja (PHK) kepada para karyawannya. PHK yang terjadi karena perusahaan tutup di dalam ketentuan perundang-undangan, mengenai pemberian pesangon dibedakan berdasarkan alasan perusahaan melakukan penutupan. Permasalahan PHK seringkali tidak terselesaikan dengan baik dikarenakan lalainya atau perbedaan perhitungan pemberian uang pesangon serta kewajiban lainnya yang timbul saat PHK seperti halnya dalam Putusan Pengadilan Hubungan Industrial Pengadilan Negeri Bandung No. 224/Pdt.Sus-PHI/2021/PN.Bdg. Analisis terhadap putusan pengadilan tersebut dikaitkan dengan UU Ketenagakerjaan sebagaimana yang diubah oleh UU Cipta Kerja sebelum diterbitkannya Perpu Cipta Kerja. Permasalahan yang diangkat dalam skripsi ini adalah akibat hukum perusahaan tutup bagi pekerja. Metode penelitian yuridis-normatif berasal dari data sekunder ketentuan perundang-undangan, buku, jurnal, website, kamus hukum, dan kamus besar bahasa Indonesia. Hasil dari penelitian yang dilakukan, saat terjadinya perusahaan tutup yang mengakibatkan PHK adanya penggunaan dasar hukum yang berbeda dalam hal perhitungan pesangon dan kewajiban lainnya sebagai hak pekerja yang kehilangan mata pencahariannya. Maka, perlu adanya perlindungan pelaksanaan hak pekerja yang terkena akibat perusahaan tutup serta kepastian alasan perusahaan melakukan penutupan

.....A closure company can be used as an excuse for a company to terminate its employees. Layoffs that occur as a result of the company closing are distinguished under the Act in terms of severance pay by the reason the company closed. The problem of layoffs is often not appropriately resolved due to negligence or differences in the calculation of severance pay and other obligations arising during layoffs, as in the Industrial Relations Court's District Court of Bandung No. 224/Pdt.Sus-Phi/2021/Pn.Bdg. The analysis of the court decision is related to the concerning Manpower Law as amended by the Job Creation Law before the issuance of the Job Creation Perpu. The issued being highlighted is legal consequences of company closure for workers. The research method with juridical-normative research comes from secondary sources laws and regulations, books, journals, websites, legal dictionaries, and the great Indonesian dictionaries. All data were obtained, processed, and analyzed by normative-qualitative methods. As a result of the research conducted, when a company closes, which results in layoffs, there is a different use of the legal basis in calculating severance pay and other obligations as well as the rights of workers who lose their livelihoods. Thus, it is necessary to protect the implementation of workers' rights affected by the company's closure and the certainty of the reasons for its closure