

Operasional Kembali Perusahaan Berkaitan dengan Pemutusan Hubungan Kerja [Analisis Putusan Pengadilan Hubungan Industrial Pada Pengadilan Negeri Bandung Nomor 122/Pdt.Sus-PHI/2023/PN.Bdg] = Company's Return to Operations in connection with Employee Termination [Analysis of Industrial Relations Court Decision at Bandung District Court Number 122/Pdt.Sus-PHI/2023/PN.Bdg]

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Abstrak

Pemutusan Hubungan Kerja (PHK) kerap menimbulkan masalah, khususnya disebabkan oleh pengusaha dengan alasan perusahaan berhenti operasional. Undang-Undang tidak melarang pengusaha melakukan tindakan PHK karena alasan perusahaan berhenti operasional secara total. Fenomena yang terjadi pada kasus PHK dikarenakan hal yang dimaksud tidak mudah untuk menyelesaikannya. Seringkali hak-hak para pekerja seperti uang pesangon, uang penghargaan masa kerja, dan uang penggantian hak sebagai akibat dari PHK tidak dibayarkan langsung sehingga menimbulkan perselisihan hingga pekerja yang terdampak harus menggugat. Pada Putusan Pengadilan Hubungan Industrial pada Pengadilan Negeri Bandung Nomor 122/Pdt.Sus-PHI/2023/PN.Bdg kasus PHK dikarenakan perusahaan berhenti operasional secara total, tetapi pada faktanya perusahaan tidak benar-benar berhenti operasional dan masih menerima order. Berkaitan dengan perihal tersebut, skripsi ini menganalisis PHK dengan alasan perusahaan berhenti operasional secara total berdasarkan Putusan Pengadilan Hubungan Industrial Pada Pengadilan Negeri Bandung Nomor 122/Pdt.Sus-PHI/2023/PN.Bdg dan bagaimana upaya hukum pekerja dalam hal perusahaan kembali operasional berdasarkan Putusan Pengadilan Hubungan Industrial Pada Pengadilan Negeri Bandung Nomor 122/Pdt.Sus-PHI/2023/PN.Bdg. Penelitian skripsi ini merupakan bentuk penelitian doktrinal. Teknik pengumpulan data dilakukan dengan cara melakukan penelitian bahan pustaka atau data sekunder berupa peraturan perundang-undangan maupun putusan pengadilan sebagai bahan hukum primer dan bahan hukum sekunder dari buku serta artikel. Dari penelitian yang telah dilakukan, telah diperoleh hasil bahwa PHK karena perusahaan berhenti operasional hanya dibenarkan bila perusahaan benar-benar tutup dan tidak menerima order lagi dari konsumen. Dalam PHK dengan alasan perusahaan berhenti operasional secara total sehubungan dengan kerugian perusahaan maka pekerja memperoleh uang pesangon sebesar 1 (satu) kali ketentuan Pasal 40 ayat (2) dan uang penghargaan masa kerja sebesar 1 (satu) kali ketentuan Pasal 40 ayat (3) Peraturan Pemerintah No. 35 Tahun 2021.

..... Termination of employment is often considered as a trigger to disputes, especially if the problem occurs when an entrepreneur does a company closure. The constitution does not prohibit entrepreneurs to exercise employee termination with the cause of company closure. The current phenomenon that happened on the matter of employee termination with the company closure as the reason are commonly uneasy to be settled. Oftentimes employee's rights such as severance pay, service award money, and compensation money are not paid directly as part of the impact of the company's closure which results in the employees suing the company. On the Industrial Relation Dispute Adjudication in Bandung District Court with the number 122/Pdt.Sus-PHI/2023/PN.Bdg, the case of employee termination is caused by company closure, however it

is factually proven that the company does not actually come to a closure and is still on operation. In relations with that, this undergraduate thesis analyse on the matter of employee termination with reason of company closure based on the Industrial Relation Dispute Adjudication in Bandung District Court with the number 122/Pdt.Sus-PHI/2023/PN.Bdg and how is the legal action by the employee on the matter of the company's return to operation based on the Industrial Relation Dispute Adjudication in Bandung District Court with the number 122/Pdt.Sus-PHI/2023/PN.Bdg. This undergraduate thesis uses the research method of juridis-normative. The data collection techniques are carried out by conducting research on library materials or secondary data in the form of regulations and court decisions as primary legal materials and secondary legal material from books and articles. From the research, the result showed that employee termination that happened because of company closure can only be allowed if the company comes to a closure and does not return to any form of operation. Employee termination with the reason of company closure in relation with company loss therefore employees receive 1 (one) severance as shown in article 40 clause (2) and 1 (one) service award money as shown in article 40 clause (3) Government Regulation No.35 Year 2021.