

Hak pekerja dalam pengakhiran perjanjian kerja dan perjanjian partnership: Studi kasus Putusan Mahkamah Agung Nomor 230 K/Pdt.Sus-PHI/2021 = Workers' rights in terminating employment agreements and partnership agreements: Case study of Supreme Court Decision Number 230 K/Pdt.Sus-PHI/2021

Saqilla Anatasha Laverda, author

Deskripsi Lengkap: <https://lib.ui.ac.id/detail?id=9999920553051&lokasi=lokal>

Abstrak

Penelitian ini mengkaji perbedaan dan implikasi hukum antara perjanjian kerja dan perjanjian partnership dalam konteks ketenagakerjaan di Indonesia. Banyak pemberi kerja memanfaatkan perjanjian partnership untuk menghindari kewajiban hukum terkait hubungan kerja, yang berdampak pada hilangnya hak-hak dasar pekerja. Studi ini menggunakan pendekatan yuridis normatif dan menganalisis Putusan Mahkamah Agung Nomor 230 K/Pdt.Sus-PHI/2021, di mana hakim mengkualifikasikan perjanjian partnership sebagai perjanjian kerja karena memenuhi unsur hubungan kerja, seperti perintah, pekerjaan, dan upah. Hasil penelitian menunjukkan bahwa perjanjian kerja menciptakan subordinasi antara pekerja dan pemberi kerja dan diatur dalam Undang-Undang Ketenagakerjaan, memberikan perlindungan seperti pesangon dan kompensasi saat pemutusan hubungan kerja (PHK). Sementara itu, perjanjian partnership yang diatur dalam KUHPer tidak mengatur hak-hak khusus bagi para pihak saat pengakhiran hubungan. Penelitian ini menyarankan pemerintah untuk memperketat pengawasan agar praktik pengubahan hubungan kerja menjadi perjanjian partnership yang merugikan pekerja dapat dicegah. Pemberi kerja dan pekerja diharapkan lebih teliti dalam menyusun isi perjanjian sesuai ketentuan hukum, dan hakim disarankan mempertimbangkan substansi perjanjian saat menentukan jenis hubungan kerja. Dengan mengimplementasikan rekomendasi ini, diharapkan tercipta lingkungan kerja yang lebih adil dan harmonis serta meningkatkan perlindungan hak-hak pekerja, yang pada akhirnya memperkuat hubungan industrial di Indonesia.

.....This study examines the differences and legal implications between employment contracts and partnership agreements within the context of labor relations in Indonesia. Many employers utilize partnership agreements to avoid legal obligations related to employment, impacting workers' fundamental rights. This study uses a normative juridical approach and analyzes decision number 230 K/Pdt.Sus-PHI/2021, in which the judge classified the partnership agreement as an employment contract due to fulfilling elements of an employment relationship, such as command, work, and wages. The findings indicate that an employment contract creates a subordinated relationship between worker and employer and is regulated by labor law, providing protections like severance pay and compensation upon termination of employment. In contrast, partnership agreements, regulated by the Civil Code (KUHPer), do not specify rights for the parties involved upon termination. This study recommends that the government enhance monitoring to prevent practices where employment relationships are disguised as partnership agreements, disadvantaging workers. Employers and workers are encouraged to carefully draft contract terms in accordance with legal requirements, and judges are advised to consider the substance of the agreement when determining the nature of the working relationship. Implementing these recommendations aims to foster a fairer and more harmonious work environment, enhance worker rights protections, and ultimately strengthen industrial relations in Indonesia.