

ABSTRAK

Perlindungan hukum terhadap pekerja/buruh sepatutnya untuk melindungi hak-hak pekerja/buruh terutama pada saat terjadinya perselisihan hubungan industrial. Pada permasalahan yang sedang diteliti, terjadinya perselisihan hubungan industrial antara saudara Winara dengan PT. Daiki Aluminium Industry Indonesia disebabkan karena perusahaan menduga saudara Winara telah melakukan pencemaran nama baik perusahaan karena membuat laporan polisi terkait tindakan PT. Daiki Aluminium Industry Indonesia yang memberikan upah dibawah normatif dan berakhir pada terjadinya pemutusan hubungan kerja tanpa adanya kompensasi. Perselisihan berlanjut ke pengadilan hingga tingkat kasasi yang telah diputus oleh Majelis Hakim dengan putusan nomor 225 K/Pdt.Sus-PHI/2019. Tujuan pada penelitian ini adalah untuk dapat memahami perlindungan hukum terhadap pekerja yang diputus hubungan kerja karena tindak pidana PT. Daiki Aluminium Industry Indonesia dan untuk dapat memahami pertimbangan hakim dalam menjatuhkan putusan nomor 225 K/Pdt.Sus-PHI/2019. Jenis penelitian menggunakan penelitian hukum normatif dengan tipe penelitian deskriptif. Pendekatan masalah yang digunakan pendekatan yuridis normatif. Metode pengumpulan data melalui studi pustaka. Dari hasil penelitian ini menjelaskan penerapan pengaturan hukum normatif yang seharusnya menjadi perlindungan hukum terhadap pekerja yang mengalami pemutusan hubungan kerja sepihak yang hanya berlandaskan peraturan perusahaan. Disisi lain harusnya Hakim mempertimbangkan status saudara Winara yang belum mendapat kepastian Hukum bahwa saudara winara telah terbukti melakukan tindak pidana pencemaran nama baik terhadap PT. Daiki Aluminium Industry Indonesia.

Kata Kunci: Perlindungan Hukum, Pemutusan Hubungan Kerja, Kompensasi.

ABSTRACT

Legal protection for workers/labourers should be to protect the rights of workers/laborers, especially in the event of industrial relations disputes. In the problem being researched, the occurrence of industrial relations disputes between Winara's brothers and PT. Daiki Aluminum Industry Indonesia was caused because the company suspected that Winara's brother had defamed the company by making a police report regarding the actions of PT. Daiki Aluminum Industry Indonesia which provides wages below the normative and ends in termination of employment without any compensation. The dispute continued to the court until the level of cassation which was decided by the Panel of Judges with the decision number 225 K/Pdt.Sus-PHI/2019. The purpose of this study is to understand the legal protection of workers who have been terminated because of the crime of PT. Daiki Aluminum Industry Indonesia and to be able to understand the judge's considerations in passing the decision number 225 K/Pdt.Sus-PHI/2019. This type of research uses normative legal research with descriptive research type. The problem approach used is a normative juridical approach. The method of data collection is through literature study. The results of this study explain the application of normative legal arrangements that should be legal protection for workers who experience unilateral termination of employment which is only based on company regulations. On the other hand, the judge should have considered the status of Winara's brother who has not received legal certainty that Winara's brother has been proven to have committed a criminal act of defamation of PT. Daiki Aluminum Industry Indonesia.

Keywords: Legal Protection, Termination of Employment, Compensation.