ABSTRACT

Industrial relations problems in developing countries, especially in Indonesia occur. Employers cannot fulfill workers' rights, disagreements about working conditions and other industrial relations problems eventually lead to unilateral termination of employment by employers with different opinions. The termination of employment carried out by the company is in accordance with Law number 13 of 2003 concerning Manpower which states that termination of employment is carried out in several processes, namely holding deliberations between employees and the company, if there is a deadlock then the last resort is through the court to decide the case . Unilateral termination of employment occurred at PT. Daiki Aluminum Industry Indonesia, based on the leadership of the PT Daiki Aluminum Industry Indonesia Workers Union, namely Mr. Winara reported allegations that the company had made payments under the applicable minimum wage provisions. However, this response has tarnished the good name of the company so that the chairman of the PT Daiki Alumunium Industry Indonesia Union terminated the work relationship unilaterally, Mr. Winara and do not fulfill their rights as workers. The dispute settlement effort has been achieved by the PT. Daiki Aluminum Industry Indonesia started from bipartite through mediation at the Manpower Office, and in the end was dismissed with only one basic wage by the West Java Province Industrial Relations Court. The Panel of Judges stated that Winara's action to report to the Police on the suspicion that the payment of the minimum wage stipulated wage was insufficient evidence and was detrimental to the company. Based on Article 155 paragraph (2) states "As long as the decision of the industrial relations dispute settlement institution has not been determined, both the entrepreneur and the worker / laborer must continue to carry out all their obligations". Therefore, the assessment of the decision of the Panel of Judges at the West Java Province Industrial Relations Court is unfair in deciding the a quo case. Based on the description above, this thesis is to find out the industrial relations problems that occur at PT Daiki and also to see how the industrial relations dispute settlement process is, therefore I am interested in discussing industrial relations disputes at PT. Daiki as a thesis in order to complete his undergraduate education in the Law Study Program. Furthermore, the thesis uses qualitative research methods with a normative juridical approach.

Keyword : Termination

ABSTRAK

Masalah hubungan industrial di negara-negara berkembang khususnya di Indonesia marak terjadi. Hak-hak pekerja yang tidak dapat terpenuhi oleh pengusaha, perbedaan pendapat tentang syarat kerja dan masalah hubungan industrial lainnya pada akhirnya bermuara pada pemutusan hubungan kerja sepihak oleh pengusaha yang berdampak meningkatnya kemiskinan. Pelaksanaan pemutusan hubungan kerja yang dilakukan perusahaan hendaknya sesuai dengan Undang-Undang nomor 13 tahun 2003 Tentang Ketenagakerjaan yang menyatakan bahwa pemutusan hubungan kerja di lakukan dalam beberapa proses yaitu mengadakan musyawarah antara karyawan dengan perusahaan, bila menemui jalan buntu maka jalan terakhir adalah melalui pengadilan untuk memutuskan perkara. Pemutusan hubungan kerja secara sepihak terjadi di PT. Daiki Aluminium Industry Indonesia dikarenakan Pimpinan Serikat Pekerja PT.Daiki Aluminium Industry Indonesia yaitu Sdr. Winara melaporkan dugaan bahwa pimpinan perusahaan telah melakukan pembayaran upah di bawah ketentuan upah minimum yang berlaku. Namun hal tersebut dianggap telah mencemarkan nama baik perusahaan sehingga ketua Serikat PT Daiki Alumunium Industry Indonesia memutus hubungan kerja secara sepihak Sdr. Winara serta tidak memenuhi hak-hak nya sebagai pekerja. Upaya penyelesaian perselisihan telah ditempuh oleh Serikat Pekerja PT. Daiki Aluminium Industry Indonesia mulai dari bipartit melalui mediasi di Dinas Tenaga Kerja, dan pada akhirnya diputus PHK dengan hanya mendapat satu kali upah pokok oleh Pengadilan Hubungan Industrial Provinsi Jawa Barat. Majelis Hakim berpendapat tindakan Winara melaporkan ke Kepolisian atas dugaan pembayaran upah dibawah ketentuan upah minimum tidak cukup bukti dan telah merugikan perusahaan. Berdasarkan Pasal 155 ayat (2) menyebutkan "Selama putusan lembaga penyelesaian perselisihan hubungan industrial belum ditetapkan, baik pengusaha maupun pekerja/buruh harus tetap melaksanakan segala kewajibannya". Oleh karena itu penulis menilai keputusan Majelis Hakim Pengadilan Hubungan Industrial Provinsi Jawa Barat tidak adil memutus perkara *a quo.* Berdasarkan uraian di atas tujuan penulisan skripsi ini yaitu untuk mengetahui permasalahan hubungan industrial yang terjadi di PT Daiki juga mengetahui bagaimana proses penyelesaian perselisihan hubungan industrial oleh karena itu penulis tertarik membahas perselisihan hubungan industrial di PT. Daiki sebagai skripsi guna menyelesaikan pendidikan Strata 1 Program Studi Hukum. Selanjutnya penulisan skipsi menggunakan metode penelitian kualitatif dengan pendekatan yuridis normatif.

Kata Kunci: Pemutusan Hubungan Kerja, Perundingan, Serikat Pekerja.