

ABSTRAK

ALEXSANDER

Hubungan kerja, yaitu hubungan antara pekerja dan pengusaha, terjadi setelah diadakan perjanjian oleh pekerja dengan pengusaha, dimana pekerja menyatakan kesanggupannya bekerja dengan pengusaha dengan menerima upah dan pengusaha menyatakan kesanggupannya untuk mempekerjakan pekerja dengan membayar upah

Permasalahannya adalah untuk mengetahui aturan hukum atas tindakan pemutusan hubungan kerja terhadap pekerja kontrak dalam peraturan perundang-undangan, tanggung jawab perusahaan atas pemutusan hubungan kerja dilakukan secara sepihak sebelum selesainya proses perselisihan hubungan industrial, pertimbangan hakim atas sengketa pemutusan hubungan kerja dalam Putusan Mahkamah Agung Republik Indonesia Nomor 986 K/Pdt.Sus-PHI/2023

Penelitian ini bersifat deskriptif dengan pendekatan yuridis normatif. "Pendekatan yuridis normatif yaitu menekankan pada ilmu hukum dengan menitik beratkan pada data sekunder.

Disimpulkan bahwa Aturan hukum atas tindakan PHK terhadap pekerja kontrak dalam peraturan perundang-undangan bahwa penetapan PHK wajib diajukan secara tertulis kepada PHI disertai keterangan alasan dasar pengajuan PHK tersebut. Tanggung jawab perusahaan atas PHK dilakukan secara sepihak sebelum selesainya PHI, dapat dipahami bahwa PHK merupakan opsi terakhir dalam penyelamatan sebuah perusahaan. Pertimbangan hakim atas sengketa PHK dalam Putusan Mahkamah Agung Republik Indonesia Nomor 986 K/Pdt.Sus-PHI/2023 sudah tepat bahwa putusan Pengadilan Hubungan Industrial tidak bertentangan dengan hukum dan/atau undang-undang, sehingga permohonan kasasi tersebut harus ditolak dengan perbaikan.

Kata Kunci : Pemutusan, Hubungan Kerja, Sepihak

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An employment relationship, namely the relationship between a worker and an entrepreneur, occurs after an agreement has been entered into by the worker and the entrepreneur, where the worker states his or her ability to work with the entrepreneur by receiving wages and the entrepreneur states his or her ability to employ the worker by paying wages.

The problem is to know the legal rules regarding the action of terminating employment relations against contract workers in statutory regulations, the company's responsibility for terminating employment relations carried out unilaterally before the completion of the industrial relations dispute process, the judge's consideration of employment termination disputes in the Decision of the Supreme Court of the Republic of Indonesia Number 986 K/Pdt.Sus-PHI/2023

This research is descriptive in nature with a normative juridical approach. "The normative juridical approach is to emphasize legal science with an emphasis on secondary data.

It was concluded that the legal regulations for layoffs against contract workers are in the statutory regulations that the determination of layoffs must be submitted in writing to PHI accompanied by a statement of the basic reasons for the request for layoffs. The company's responsibility for layoffs is carried out unilaterally before the completion of the PHI. It is understood that layoffs are the last option in saving a company. The judge's consideration of the layoff dispute in the Decision of the Supreme Court of the Republic of Indonesia Number 986 K/Pdt.Sus-PHI/2023 is correct that the decision of the Industrial Relations Court does not conflict with law and/or statute, so the cassation request must be rejected with improvements.

Keywords: Termination, Employment Relations, Unilateral