

ABSTRAK

Pemutusan hubungan kerja atau PHK adalah pengakhiran hubungan kerja antara pengusaha dan pekerja yang disebabkan suatu alasan tertentu. Dalam hal ini PT. X melakukan pemutusan hubungan kerja kepada pekerja dengan alasan telah melakukan pelanggaran bersifat mendesak. Namun menurut sudut pandang pekerja tidak melakukan pelanggaran bersifat mendesak tapi seharusnya mendapatkan peringatan saja. Perbedaan penafsiran pelanggaran bersifat mendesak antara pengusaha dan pekerja menimbulkan perselisihan pemutusan hubungan kerja yang berdampak pada hak yang diperoleh pekerja. Oleh karena itu, penelitian ini dilakukan untuk mengetahui bagaimana pemenuhan hak pekerja akibat pemutusan hubungan kerja karena pelanggaran bersifat mendesak melalui penyelesaian mediasi di Dinas Tenaga Kerja Gresik. Serta bagaimana peran mediator hubungan industrial dalam tercapainya perjanjian bersama kedua pihak.

Metode penelitian yang digunakan adalah empiris. Adapun pendekatan yang dilakukan adalah pendekatan fakta dengan melihat fakta di lapangan terkait kasus yang diteliti. Hasil penelitian menunjukkan, bahwa Perbedaan penafsiran pelanggaran bersifat mendesak antara pengusaha dan pekerja sering terjadi di Dinas Tenaga Kerja Gresik. Perbedaan alasan tersebut akan berdampak pada hak yang akan diperoleh pekerja. Penyelesaian perselisihan PT. X dengan pekerja berakhir dalam kesepakatan perjanjian bersama yang kedua pihak sepakat mengakhiri hubungan kerja dengan pihak pekerja memperoleh haknya berupa uang pesangon. Uang pesangon yang diberikan pengusaha kepada pekerja tidak sepenuhnya berdasarkan ketentuan perundang-undangan, namun sesuai dengan kemampuan pengusaha dan disepakati oleh kedua pihak. Mediator hubungan industrial sangat berperan penting dalam perselisihan ini terutama dalam tercapainya perjanjian bersama sehingga perselisihan tidak sampai tahap pengadilan.

Kata Kunci : Pelanggaran Mendesak, PHK, Mediasi

ABTRACT

Termination of employment or PHK is the termination of employment between employers and workers due to a certain reason. In this case, PT. X terminates the employment of workers on the grounds that they have committed an urgent violation. However, from the worker's point of view, they did not commit an urgent violation but should only receive a warning. The difference in interpretation of urgent violations between employers and workers causes disputes over termination of employment which have an impact on the rights obtained by workers. Therefore, this study was conducted to determine how to fulfill workers' rights due to termination of employment due to urgent violations through mediation at the Gresik Manpower Office. And what is the role of the industrial relations mediator in achieving a joint agreement between the two parties.

The research method used is empirical. The approach taken is a factual approach by looking at the facts in the field related to the case being studied. The results of the study show that differences in interpretation of urgent violations between employers and workers often occur at the Gresik Manpower Office. These differences in reasons will have an impact on the rights that workers will receive. The settlement of the dispute between PT. X and workers ended in a joint agreement where both parties agreed to end the employment relationship with the workers receiving their rights in the form of severance pay. The severance pay given by employers to workers is not entirely based on statutory provisions, but in accordance with the employer's ability and agreed upon by both parties. Industrial relations mediators play a very important role in this dispute, especially in reaching a joint agreement so that the dispute does not reach the court stage.

Keywords: Urgent Violation, Layoff, Mediation