

ABSTRAK

Pemutusan Hubungan Kerja (PHK) karena alasan kerugian perusahaan yang berlangsung terus-menerus seringkali menimbulkan persoalan serius bagi pekerja, khususnya terkait hak atas uang penggantian. Dalam perkara PT Express Transindo Utama Tbk., timbul perdebatan hukum mengenai ketiadaan pemberian uang penggantian hak kepada pekerja sebagaimana tercermin dalam Putusan Nomor 56/Pdt.Sus-PHI/2021/PN Srg juncto Putusan Nomor 580 K/Pdt.Sus-PHI/2022. Permasalahan utama yang dikaji adalah apakah hak pekerja atas uang penggantian sudah sesuai dengan ketentuan perundang-undangan yang berlaku serta bagaimana pertimbangan hukum hakim dalam putusan kasasi tersebut.

Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*) dan studi kepustakaan. Sumber data penelitian terdiri atas bahan hukum primer berupa undang-undang ketenagakerjaan, putusan pengadilan, serta bahan hukum sekunder berupa literatur hukum dan pendapat para ahli. Analisis dilakukan secara yuridis-doktrinal untuk menilai kesesuaian putusan dengan prinsip perlindungan pekerja sebagaimana diatur dalam peraturan perundang-undangan.

Hasil penelitian menunjukkan adanya inkonsistensi antara putusan Pengadilan Hubungan Industrial dan Mahkamah Agung. PHI Serang memberikan uang penggantian hak sesuai Pasal 156 ayat (4) UU Ketenagakerjaan, sedangkan Mahkamah Agung meniadakannya dengan alasan kondisi kerugian perusahaan dan penerapan regulasi baru, yaitu PP No. 35 Tahun 2021. Putusan kasasi lebih menekankan kepastian hukum formal dan efisiensi perusahaan, namun mengurangi perlindungan normatif pekerja. Hal ini menunjukkan perlunya pembenahan regulasi dan praktik peradilan agar lebih adil dan konsisten dalam menjamin hak pekerja.

Kata Kunci: PHK, uang penggantian hak, perlindungan pekerja, hukum ketenagakerjaan.

ABSTRACT

Termination of employment (PHK) due to continuous company losses often creates serious issues for workers, particularly regarding their right to compensation. In the case of PT Express Transindo Utama Tbk., a legal debate arose over the absence of compensation granted to workers, as reflected in Decision Number 56/Pdt.Sus-PHI/2021/PN Srg juncto Decision Number 580 K/Pdt.Sus-PHI/2022. The main problems examined are whether workers' rights to compensation are in accordance with the prevailing labor laws and how the judges' legal considerations were formulated in the cassation decision.

This research employs a normative legal method with a statute approach and literature study. The primary legal materials include labor laws and court decisions, while the secondary sources consist of legal literature and scholarly opinions. The analysis is conducted juridically and doctrinally to assess the consistency of the decisions with the principles of worker protection as mandated by legislation.

The findings reveal inconsistencies between the Industrial Relations Court and the Supreme Court. The Serang IRC granted compensation rights under Article 156 paragraph (4) of the Manpower Law, while the Supreme Court annulled it, citing the company's financial losses and the application of new regulations, namely Government Regulation No. 35 of 2021. The cassation decision emphasized legal certainty and business efficiency but reduced workers' normative protection. This indicates the need for regulatory and judicial reforms to ensure fairness and consistency in safeguarding workers' rights.

Keywords: Termination of employment, compensation, Supreme Court, worker protection, labor law.