

ABSTRAK

Dalam pelaksanaan hubungan kerja antara pekerja dan pengusaha tidak dapat dikesampingkan adanya potensi perselisihan yang berujung pada Pemutusan Hubungan Kerja (PHK). PHK dalam penerapannya telah diatur dalam Undang-Undang Ketenagakerjaan dan Peraturan Pemerintah Nomor 35 Tahun 2021 mengenai alasan-alasan Pemutusan Hubungan Kerja. Namun dalam perkara PHK pada Putusan 198/Pdt.Sus-PHI/2021/PN.Mdn Jo.Putusan Nomor 266 K/Pdt.Sus-PHI/2022 Nyatanya terdapat kekeliruan Hakim dalam memutus hubungan kerja pekerja.

Metode penelitian yang digunakan adalah penelitian hukum normatif. Adapun pendekatan yang digunakan dalam penelitian ini adalah pendekatan Perundang-Undangan dan pendekatan Kasus. Di dasarkan pada data primer, sekunder, dan tersier.

Hasil penelitian yang diperoleh yaitu pertimbangan hukum hakim dalam putusan Kasasi Nomor 266 K/Pdt.Sus-PHI/2022 telah sesuai dengan peraturan yang berlaku, dan menyatakan pekerja telah melanggar norma-norma perusahaan sehingga pekerja dapat memperoleh hak-haknya, Namun mengenai perhitungan hak kompensasi pekerja yang diPHK dalam putusan Mahkamah Agung Nomor 266 K/Pdt.Sus-PHI/2022, terdapat kekeliruan dalam perhitungan uang pesangon yaitu uang pesangon yang ditetapkan seharusnya sebesar 0,5 (nol koma lima) yang didasarkan pada pasal 52 ayat (1) huruf a.

Kata Kunci: *Pemutusan Hubungan Kerja, Pertimbangan Hakim, Pemenuhan Hak Pekerja*

ABSTRACT

In the implementation of the working relationship between workers and employers, it cannot be ruled out that there is a potential for disputes that could lead to Termination of Employment (PHK). Termination of employment in its implementation has been regulated in the Manpower Act and Government Regulation Number 35 of 2021 regarding reasons for termination of employment. However, in the layoff case in Decision 198/Pdt.Sus-PHI/2021/PN.Mdn Jo.Decision Number 266 K/Pdt.Sus-PHI/2022 In fact there was a Judge's mistake in terminating the workers' employment relatioThe research method used is normative legal research. The approach used in this study is the statutory approach and the case approach. Based on primary, secondary, and tertiary data.The research results obtained were that the judge's legal considerations in the Cassation decision Number 266 K/Pdt.Sus-PHI/2022 were in accordance with applicable regulations, and stated that workers had violated company norms so that workers could obtain their rights. However, regarding the calculation of rights compensation for laid-off workers in the decision of the Supreme Court Number 266 K/Pdt.Sus-PHI/2022, there was an error in the calculation of the severance pay, namely that the severance pay should be set at 0.5 (zero point five) based on Article 52 paragraph (1) letter a.

Keywords: *Termination of Employment, Consideration of Judges, Fulfillment of Workers' Rights*