

ABSTRAK

Berdasarkan UU Cipta Kerja pasal 88A Hak pekerja/buruh atas upah timbul pada saat terjadi hubungan kerja antara pekerja/buruh dengan pengusaha dan berakhir pada saat putusnya hubungan kerja. Banyak pekerja tetap yang telah bekerja di hotel garden palace kurang lebihnya di atas 20 Tahun lamanya mengalami pengurangan upah bahkan sampai kehilangan hak pengupahannya dari perusahaan yang berdalil dimana pendapatan hotel menurun atau dapat dikatakan ikut terdampak oleh pandemic Covid-19 kurangnya tamu hotel yang mengakibatkan banyak dari para pekerja tetap maupun pekerja kontrak diberhentikan sepihak oleh para pengusaha.

Penelitian ini merupakan jenis penelitian hukum empiris dengan metode pendekatan yuridis sosiologis, sumber data diperoleh dari hasil wawancara dan studi pustaka dianalisis secara deskriptif kualitatif.

Hasil penelitian terkait perlindungan hukum oleh pekerja hotel garden palace Surabaya terhadap hak pekerja/buruh dalam pelaksanaannya belum, sepenuhnya menerapkan ketentuan undang-undang ketenag kerjaan, dimana berdasarkan ketentuan undang-undang ketenagakerjaan pembayaran upah harus dibayarkan sesuai ketentuan dan kesepakatan yang dibuat oleh pihak pekerja/buruh dan juga pihak hotel garden palace.

Berdasarkan ketentuan Undang-Undang ketenaga kerjaan pembayaran upah harus dibayarkan sesuai dengan ketentuan dan kesepakatan yang dibuat yaitu harus dibayarkan tepat waktu. Dan pihak hotel garden palace surabaya tetap memiliki kewajiban sehingga pihak pekerja/buruh pun tetap memperjuangkan haknya agar pesangon mereka segera dibayarkan.

Kata Kunci: perlindungan hukum , hak pekerja , masa pandemi

ABSTRACT

Based on Article 88A Of The Job Creation Law, the right of workers/laborers to wages arises when there is a working relationship between workers/laborers and employers and ends when the employment relationship ends. Many permanent workers who have worked at the Garden Palace Hotel for more than 20 years have experienced reduced wages and even lost their wage rights from companies arguing that hotel revenues have decreased or can be said to have been affected by the Covid-19 pandemic, a lack of hotel guests which resulted in many permanent workers were dismissed unilaterally by employers.

This research is a type of empirical legal research using a sociological juridical approach. The data sources were obtained from interviews and literature studies and were analyzed descriptively qualitatively.

The results of research related to legal protection by employees of the Garden Palace Hotel Surabaya for the rights of workers/laborers in its implementation have not yet fully implemented the provisions of the labor law, where based on the provisions of the labor law payment of wages must be paid in accordance with the provisions and agreements made by the workers/workers and also the Garden Palace Hotel.

Based on the provisions of the labor law, payment of wages must be paid in accordance with the provisions and agreements made, namely must be paid on time. And the hotel garden palace surabaya still has obligations so that the workers/laborers are still fighting for their rights so that their severance pay is immediately paid.

Keywords: legal protection, workers' rights, during the pandemic

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