

ABSTRAK

Kepailitan PT. Sri Rejeki Isman Tbk. (Sritex) yang diputus oleh Pengadilan Niaga Semarang telah menimbulkan dampak luas berupa Pemutusan Hubungan Kerja (PHK) massal terhadap ribuan pekerja. Peristiwa ini menimbulkan isu hukum krusial, yaitu mengenai bagaimana pemenuhan hak-hak pekerja yang terkena PHK akibat kepailitan serta bentuk perlindungan hukum yang diberikan. Hal ini penting dikaji karena pekerja secara hukum ditempatkan sebagai kreditur preferen yang seharusnya didahulukan pembayarannya dibandingkan dengan kreditur lainnya. Tujuan penelitian ini adalah untuk menganalisis pemenuhan hak pekerja PT. Sritex Group yang di-PHK dan untuk menelaah implikasi hukum apabila hak pekerja tersebut tidak terpenuhi. Jenis penelitian yang digunakan adalah penelitian hukum normatif dengan menelaah bahan hukum primer berupa peraturan perundang-undangan dan putusan pengadilan, serta bahan hukum sekunder berupa literatur, jurnal, dan doktrin hukum. Pendekatan penelitian yang digunakan meliputi pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual (*conceptual approach*)

Penelitian ini menggunakan teori kepastian hukum, teori perlindungan hukum, dan teori pertanggungjawaban hukum sebagai landasan analisis. Hasil penelitian menunjukkan bahwa Pemenuhan hak pekerja PT. Sritex tidak berjalan optimal meskipun telah memperoleh jaminan hukum melalui kedudukannya sebagai kreditur preferen berdasarkan Pasal 95 ayat (4) Undang-Undang Ketenagakerjaan. Penyebabnya karena adanya konflik norma penyitaan antara sita umum kepailitan dan sita pidana berdasarkan Pasal 39 ayat (2) KUHP. membiarkan sita pidana mendahului sita umum berpotensi merusak kepastian hukum dan tujuan utama kepailitan sebagai mekanisme penyelesaian utang secara kolektif. Dalam beberapa putusan Mahkamah Agung juga cenderung mendahului Sita umum Kepailitan dan mengasikan sita pidana. Seperti Putusan MA Nomor 202 PK/ Pdt. Sus/2012, Putusan MA No. 1533 K/Pdt. Sus-Pailit/2017, Putusan MA No. 3 K/Pdt. Sus-Pailit/2019. Selain itu, penelitian ini menemukan bahwa implikasi hukum dari tidak terpenuhinya hak pekerja tidak hanya berdampak pada kerugian pekerja secara langsung, tetapi juga menimbulkan potensi tanggung jawab hukum bagi pihak-pihak terkait dalam proses kepailitan. Kurator berpotensi menghadapi tanggung jawab perdata, administratif, bahkan pidana apabila terbukti lalai dalam pengurusan dan pemberesan harta pailit,. Penelitian ini menyarankan perlunya harmonisasi regulasi yang menegaskan prioritas sita umum kepailitan terhadap sita pidana serta penguatan koordinasi antarpenghak hukum agar pemenuhan hak pekerja dalam kepailitan dapat terjamin secara efektif, adil, dan berkeadilan hukum.

Kata Kunci: Kepailitan, Pemutusan Hubungan Kerja, Hak Pekerja, Perlindungan Hukum, PT. Sritex.

ABSTRACT

The bankruptcy of PT. Sri Rejeki Isman Tbk. (Sritex), as decided by the Semarang Commercial Court, has caused widespread impacts in the form of mass layoffs affecting thousands of workers. This situation raises a crucial legal issue concerning the fulfillment of workers' rights following termination of employment due to bankruptcy, as well as the form of legal protection afforded to them. This issue is significant given that, under the law, workers are positioned as preferred creditors whose claims should take priority over other creditors. The purpose of this study is to analyze the fulfillment of the rights of workers of the PT. Sritex Group who were laid off and to examine the legal implications arising from the non-fulfillment of such rights. This research employs a normative legal research method by examining primary legal materials in the form of statutory regulations and court decisions, as well as secondary legal materials consisting of legal literature, journals, and legal doctrines. The research approaches applied include the statute approach and the conceptual approach.

This study applies the theories of legal certainty, legal protection, and legal liability as the analytical framework. The findings indicate that the fulfillment of the rights of PT Sritex workers has not been optimal, despite the existence of legal guarantees arising from their status as preferred creditors under Article 95 paragraph (4) of the Manpower Law. This situation is caused by a conflict of norms concerning seizure between general bankruptcy seizure and criminal seizure as regulated under Article 39 paragraph (2) of the Criminal Procedure Code (KUHP). Allowing criminal seizure to take precedence over general bankruptcy seizure has the potential to undermine legal certainty and the primary objective of bankruptcy as a collective debt settlement mechanism. Several Supreme Court decisions also tend to prioritize general bankruptcy seizure and disregard criminal seizure, such as Supreme Court Decision No. 202 PK/Pdt.Sus/2012, Supreme Court Decision No. 1533 K/Pdt.Sus-Pailit/2017, and Supreme Court Decision No. 3 K/Pdt.Sus-Pailit/2019. Furthermore, this study finds that the legal implications of the non-fulfillment of workers' rights not only result in direct losses to workers, but also give rise to potential legal liability for parties involved in the bankruptcy process. Curators may face civil, administrative, and even criminal liability if proven negligent in the management and liquidation of the bankruptcy estate.

This study recommends the need for regulatory harmonization to reaffirm the priority of general bankruptcy seizure over criminal seizure, as well as strengthening coordination among law enforcement authorities, so that the fulfillment of workers' rights in bankruptcy proceedings can be effectively, fairly, and justly ensured

.Keywords: Bankruptcy, Termination of Employment, Workers' Rights, Legal Protection, PT. Sritex.