

Perlindungan hukum hak pekerja pasca pemutusan hubungan kerja (PHK) (Studi kasus: PT. Dirgantara Indonesia)

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Abstrak

The economic crisis that stroked Indonesia in 1997 paralyzed the nation's economics. The crisis is marked with decrease of public trust to rupiah currency resulting in the drop of rupiah exchange rate, weakened public purchase power, halt of production, and many others.

Many companies operating in Indonesia, whether private or government-owned (perusahaan milik Negara/BUMN) had difficult times. These companies were forced to reduce their employees, and sometimes termination of employment became the only option to solve the problem. PT. Dirgantara Indonesia is one sample among many others that experienced these in Indonesia.

The PHK process started in 11 July 2003. President Director of PT. Dirgantara Indonesia issued Decree of Board of Directors of PT. Dirgantara Indonesia No. SKEP/0598/030.20/PTD/UT0000/07/03 regarding Lay Off Program of PT. Dirgantara Indonesia's Employees, under which 9,600 employees were laid off. This Decree was issued without any prior notice to or socialization among the employees. Even, when the Decree was issued, there was actually ongoing discussions over a Collective Labor Agreement (Kesepakatan Kerja Bersama / KKB) by both parties teams.

Point 5 of the Decree of the Board of Directors of PT. Dirgantara Indonesia

No:SKEP/0598/030.02/PTD/UT0000/07/03 explicitly stated that: "During the lay off period, the employees may not enter into the Company's premises". Based on this, the Decree was basically more than a mere lay off but rather a lock out which might have led to termination of employment.

As such, there are 2 (two) matters that will be discussed in this thesis, namely: 1. Legal analysis regarding Decree of Board of Directors of PT. Dirgantara Indonesia No. SKEP/0598/030.20/PTD/UT0000/07/03 regarding Lay Off Program of PT. Dirgantara Indonesia's Employees, which caused termination of 6,561 employees of PT. Dirgantara Indonesia; 2. Legal analysis on the legal protection of employees' rights following decision of the Central Committee of Employment Disputes Settlement (Panitia Penyelesaian Perselisihan Perburuhan Pusat/P4P) Number 142/03/02-8/X/PHK/1-2004 dated 29 January 2004 regarding termination of 6,561 employees of ...