

Tinjauan yuridis atas putusan Mahkamah Agung Nomor 10 PK/Pdt.Sus/2013 tentang perselisihan hubungan industrial akibat pemutusan hubungan kerja sepihak PT. Pupuk Sriwidjaja (Persero) =  
Legal review on Supreme Court Judgement No. 10/PK/Pdt.Sus/2013 with regards to industrial relations dispute arising from at - will employment termination by PT. Pupuk Sriwidjaja (Persero)

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Abstrak

Tesis ini membahas mengenai proses penyelesaian perselisihan hubungan industrial khususnya dalam penyelesaian perselisihan Pemutusan Hubungan Kerja (PHK) berdasarkan Putusan Peninjauan Kembali Nomor 10 PK/Pdt.Sus/2013 yang melibatkan pekerja dan PT. Pupuk Sriwidjaja (Persero) yang dianalisa berdasarkan Undangundang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial dan Undang-undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Penelitian ini merupakan penelitian yuridis normatif yang diharapkan dapat diperoleh aturan-aturan hukum yang mendasari pengambilan putusan penyelesaian perselisihan PHK. Para pihak yang berselisih, baik perusahaan maupun pekerja harus menyelesaikan perselisihan sesuai dengan prosedur penyelesaian perselisihan hubungan industrial yang berlaku berdasarkan peraturan perundang-undangan terkait ketenagakerjaan dan harus benar-benar memahami Peraturan Perundang-undangan ketenagakerjaan yang berlaku, isi peraturan perusahaan atau Perjanjian Kerja Bersama dan prinsip-prinsip hubungan industrial.

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This thesis discusses the dispute resolution process in industrial relations, particularly the dispute resolution of Termination Employment based on the Judgement on the Court Judgement Review No. 10/PK/Pdt.Sus/2013 involving employees and PT. Pupuk Sriwidjaja (Persero), which is analysed upon Act No. 2 Year 2004 on Industrial Relations Dispute Settlement and Act No. 13 Year 2003 on Manpower. This research is a legal -normative research aiming to derive from the various acts the legal rules serving as the foundation for reaching the Court Judgement concerning Employment Termination dispute resolution. The parties in dispute, both employer and employee, shall seek to resolve their dispute in accordance to the applicable industrial relations dispute settlement procedures based on the related manpower laws and must truly understand the applicable manpower laws, the company rules or the Employment Contract and the principles on industrial relations.