

Kepastian Hukum Eksekusi Putusan Pengadilan Hubungan Industrial Terhadap Termohon Aanmaning Perwakilan Diplomatik Asing di Indonesia = Legal Certainty of the Execution of Labor Court Decision Against Foreign Diplomatic Representation as Aanmaning Respondent in Indonesia

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Abstrak

Perwakilan Diplomatik Asing sebagai perwakilan resmi dari negara pengirim yang ada di Indonesia memiliki hak keistimewaan berupa kekebalan hukum yang lahir atas misi diplomatik yang dijalankannya berdasarkan Konvensi Wina 1961. Permasalahan muncul ketika warga negara Indonesia yang bekerja pada Perwakilan Diplomatik Asing tersebut sering kali mendapatkan perlakuan tidak adil dan mengalami pemutusan hubungan kerja secara sepihak. Kekebalan hukum yang bersifat absolut berusaha ditembus untuk melindungi hak dari para pekerja yang telah dilanggar. Meskipun Pengadilan Hubungan Industrial telah menjatuhkan putusan yang mengabulkan dan memberikan hak pekerja lokal atas pemutusan hubungan kerja dimaksud, putusan tersebut tidak dapat dieksekusi terhadap Perwakilan Diplomatik Asing karena asas kekebalan hukum yang masih dimiliki oleh Perwakilan Diplomatik Asing tersebut.

.....Foreign Diplomatic Representatives as the official representatives of their sending state in Indonesia have privileges in the form of legal immunity that comes from their diplomatic missions they carry out based on the 1961 Vienna Convention. The problems arise when Indonesian citizens who work for the Foreign Diplomatic Representatives often receive unfair treatment and experience unilateral termination of employment. In this journal, the absoluteness of the immunity is trying to be penetrated to protect the rights of local workers who have been violated. Even though the Labor Court has handed down a decision that grants the local workers the right for their termination, the decision cannot be executed against the Foreign Diplomatic Representative because of the principle of immunity that the Foreign Diplomatic Representative still has.