

ABSTRAK

Seorang pekerja yang diberhentikan dari pekerjaannya wajib menerima hak – hak terakhir sebagai tanda terima kasih dari perusahaan tempat dia bekerja yang berguna sebagai simpanan penyambung hidup pegawai tersebut. Dalam memenuhi hak pekerjaannya, setiap perusahaan memiliki peraturan atau ketentuannya sendiri yang disesuaikan dengan ketentuan yang ada dalam undang-undang. Bank BRI selaku Bank Badan Usaha Milik Negara (BUMN) pun memiliki ketentuan tersendiri melalui peraturan perusahaan mengenai pemberian hak pekerjaannya yang mengalami Pemutusan Hubungan Kerja (PHK). Namun, tentunya terdapat hal yang berbeda apabila pekerja tersebut di PHK bukan karena purna kontrak atau tugas, melainkan karena melakukan pelanggaran disiplin. Pelanggaran disiplin. Penelitian ini akan membahas 2 permasalahan, yang pertama mengenai bagaimana hak – hak yang diterima oleh pekerja bank BUMN ketika mengalami PHK, dan yang kedua tentang bagaimanapelaksanaan pemenuhan hak-hak pekerja Bank BUMN yang di-PHK karena pelanggaran disiplin pada Putusan Pengadilan Nomor 571 K/PDT.SUS/2010? Penelitian ini menggunakan metode yuridis normatif dengan studi kepustakaan, pendekatan perundang-undangan, dan pendekatan kasus melalui analisis pada substansi putusan pengadilan. Kesimpulan penelitian ini menunjukkan bahwa pekerja yang di PHK karena melakukan pelanggaran disiplin tetap harus dipenuhi hak-haknya oleh perusahaan sesuai dengan peraturan yang berlaku, lalu di dalam putusan tersebut majelis hakim juga menggunakan teori keadilan dalam membuat keputusannya terkait hak-hak PHK tergugat tanpa menghiraukan peraturan perundangan yang berlaku.

Kata Kunci: PHK, Pelanggaran Disiplin, Hak Pekerja, Bank BUMN

ABSTRACT

An employee who is terminated from his job is obliged to receive his last rights as a token of gratitude from the company where he works which is useful as a saving for the employee's life. In fulfilling the rights of workers, each company has its own regulations or provisions that are adjusted to the provisions contained in the law. Bank BRI as a State-Owned Enterprise Bank (BUMN) also has its own provisions through company regulations regarding the granting of rights to workers who have experienced Termination of Employment (PHK). However, of course there are different things if the worker is terminated not because of full contract or assignment, but because of a disciplinary violation. Discipline violation. This research will discuss 2 issues, the first regarding how the rights received by state-owned bank workers when experiencing layoffs, and the second about how the implementation of the fulfillment of the rights of state-owned bank workers who were laid off due to disciplinary violations in Court Decision Number 571 K /PDT. SUS/2010? This study uses a normative juridical method with literature studies, a statutory approach, and a case approach through an analysis of the substance of court decisions. The conclusion of this study shows that workers who were laid off for committing disciplinary violations must still fulfill their rights by the company in accordance with applicable regulations, then in this decision the panel of judges also used the theory of justice in making their decisions regarding the rights of the defendant's layoffs regardless of regulations applicable laws.

Keywords: *Termination of Employment (PHK), Disciplinary Violation, Worker Rights, State-Owned Enterprise Bank (BUMN)*