

**ASAS KEADILAN PELAKSANAAN PEMUTUSAN HUBUNGAN KERJA
(PHK) ATAS TUNGGAKAN UPAH KARYAWAN PT. SARANA
PARIWARA
(STUDI KASUS PUTUSAN NOMOR 46/PDT.SUS-PHI/2021/PN.SMG)**

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Abstrak

Dalam pemberian upah, masih ada beberapa perusahaan yang kerap kali tidak memenuhi kewajibannya sebagai pengusaha, yaitu tidak memberikan upah atau terlambatnya memberikan upah kepada karyawan, seperti hal yang terjadi pada karyawan PT. Sarana Pariwara yang membuat karyawan tersebut mengajukan permohonan Pemutusan Hubungan Kerja ke Jalur litigasi yaitu Pengadilan Hubungan Industrial Permasalahan : Bagaimana Pertimbangan Hakim Atas Gugatan Tunggakan Upah Karyawan PT. Sarana Pariwara dalam putusan No. 46/Pdt.Sus-PHI/2021/PN.SMG? Bagaimana Asas Keadilan Pelaksanaan dalam Penyelesaian Perselisihan Hubungan Industrial yang memberikan keadilan bagi karyawan PT Sarana Pariwara? Untuk menjawab permasalahan tersebut, dilakukan penelitian bersifat normatif yuridis dengan menggunakan data sekunder sebagai sumber utama yang terkait dengan objek penelitian. Pendekatan analisis yang digunakan adalah deskriptif kualitatif. kesimpulan dalam penelitian ini adalah (1) Pertimbangan hakim atas Pemutusan Hubungan Kerja dan akibat hukumnya dipertimbangkan berdasarkan Undang -Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan; (2) Asas keadilan seharusnya memastikan pembayaran penuh sesuai dengan putusan Pengadilan Hubungan Industrial atau mengambil langkah-langkah hukum eksekusi, seperti pengajuan sita eksekusi dan permohonan pailit terhadap perusahaan PT. Sarana Pariwara.

Kata Kunci : Pengadilan Hubungan Industrial, Asas Keadilan, Pemutusan Hubungan Kerja

**PRINCIPLES OF JUSTICE IN THE IMPLEMENTATION OF
TERMINATION OF EMPLOYMENT (PHK) DUE TO EMPLOYEE
SALARY ARREARS AT PT. SARANA PARIWARA
(CASE STUDY OF DECISION NUMBER 46/PDT.SUS-
PHI/2021/PN.SMG)**

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Abstract

In the provision of wages, there are still several companies that often fail to fulfill their obligations as employers, namely by not providing wages or delaying the payment of wages to employees, as was the case with employees of PT. Sarana Pariwara, leading them to file a Termination of Employment Lawsuit through the litigation route, namely the Industrial Relations Court. The issues addressed are: What are the considerations of the judge regarding the wage arrears lawsuit by employees of PT. Sarana Pariwara in Decision No. 46/Pdt.Sus-PHI/2021/PN.SMG? How does the Principle of Justice Implementation contribute to the resolution of Industrial Relations Disputes that ensures justice for PT Sarana Pariwara employees? To address these issues, a normative juridical research approach was conducted using secondary data as the primary source related to the research object. The analytical approach used was qualitative descriptive. The conclusions of this research are as follows: (1) Considerations by the judge regarding the Termination of Employment and its legal consequences are based on Law No. 13 of 2003 concerning Manpower; (2) the principle of justice should ensure full payment in accordance with the decision of the Industrial Relations Court or take legal execution steps, such as filing an execution seizure and bankruptcy petition against PT. Sarana Pariwara.

Keywords : Industrial Relations Court, Principles of Justice, Termination of Employment