

**PENERAPAN ASAS KESEIMBANGAN PERJANJIAN BERSAMA
PENYELESAIAN HUBUNGAN INDUSTRIAL DALAM
PEMUTUSAN HUBUNGAN KERJA
(Studi Putusan Nomor 118/Pdt.Sus-PHI/2025/PN Jkt.Pst)**

ABSTRAK

Penelitian ini bertujuan untuk menganalisis eksekusi Perjanjian Bersama yang memuat disparitas hak dan kewajiban, serta mengevaluasi implikasi yuridis Putusan Pengadilan Hubungan Industrial Nomor 118/Pdt.Sus-PHI/2025/PN Jkt.Pst dalam merekonstruksi kekuatan mengikat perjanjian berdasarkan asas keseimbangan. Fokus kajian terletak pada pertentangan antara asas kepastian hukum atau *pacta sunt servanda* dengan asas keseimbangan akibat ketimpangan posisi tawar. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan kasus dan konseptual. Sumber data sekunder meliputi bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif preskriptif. Hasil penelitian menunjukkan bahwa eksekusi substansial Perjanjian Bersama dalam perkara *a quo* cacat hukum karena mengandung unsur cacat kehendak pada fase pra-kontraktual. Indikasi penyalahgunaan keadaan terlihat dari tekanan yang menyebabkan pekerja menyepakati klausul pelepasan hak tanpa pemenuhan prestasi normatif yang patut, sehingga perjanjian kehilangan legitimasi materilnya. Temuan penelitian menegaskan bahwa putusan pengadilan tersebut melakukan terobosan hukum melalui mekanisme koreksi yudisial. Majelis Hakim mengaktualisasikan asas keseimbangan untuk menerobos kekakuan *pacta sunt servanda*. Dengan demikian, sifat final dan mengikat Perjanjian Bersama tidak lagi dipandang mutlak, melainkan bersifat relatif dan dapat dikesampingkan demi mewujudkan keadilan substantif bagi pihak yang berada dalam posisi tawar lemah.

Kata Kunci : Perjanjian Bersama, Asas Keseimbangan, Koreksi Yudisial

**THE APPLICATION OF THE PRINCIPLE OF BALANCE IN MUTUAL
SETTLEMENT AGREEMENTS FOR INDUSTRIAL RELATIONS
DISPUTES ON EMPLOYMENT TERMINATION
(A Case Study of Decision Number 118/Pdt.Sus-PHI/2025/PN Jkt.Pst)**

ABSTRACT

This study aims to analyze the execution of Mutual Agreements containing disparities in rights and obligations, and to evaluate the juridical implications of the Industrial Relations Court Decision Number 118/Pdt.Sus-PHI/2025/PN Jkt.Pst in reconstructing the binding force of the agreement based on the principle of balance. The study focuses on the conflict between the principle of legal certainty or *pacta sunt servanda* and the principle of balance resulting from the inequality of bargaining power. This research is a normative legal research employing case and conceptual approaches. Secondary data sources include primary, secondary, and tertiary legal materials analyzed using a prescriptive qualitative method. The results show that the substantial validity of the Mutual Agreement in the case *a quo* is legally defective as it contains elements of defect of will during the pre-contractual phase. Indications of abuse of circumstances are evident from the pressure causing workers to agree to a release and discharge clause without proper fulfillment of normative entitlements, thereby causing the agreement to lose its material legitimacy. The research findings affirm that the court decision constitutes a legal breakthrough through the mechanism of judicial correction. The Panel of Judges actualizes the principle of balance to pierce the rigidity of *pacta sunt servanda*. Thus, the final and binding nature of the Mutual Agreement is no longer viewed as absolute, but rather relative, and can be set aside to achieve substantive justice for parties in a weak bargaining position.

Keywords: Mutual Agreement, Principle of Balance, Judicial Correction