

ABSTRAK

Angel Evelin Saragih Sitio (2410622013). Asas Kepastian Hukum Penyelesaian Perselisihan Hak Karyawan dengan Bank Pasca Undang-Undang Cipta Kerja (Studi Kasus PHI No. 1628 K/Pdt.Sus-PHI/2022/PN Medan). Dibimbing oleh Dr. Iwan Erar Joesoef, S.H., Sp.N., M.Kn. sebagai Pembimbing Utama dan Dr. Atik Winanti, S.H., M.H. sebagai Pembimbing Pendamping.

Penelitian ini bertujuan untuk menganalisis, mengevaluasi, dan merumuskan penerapan asas kepastian hukum dalam penyelesaian perselisihan hak karyawan dengan lembaga perbankan pasca berlakunya Undang-Undang Cipta Kerja. Secara khusus, penelitian ini mengkaji pertimbangan hakim dalam Putusan PHI No. 1628 K/Pdt.Sus-PHI/2022/PN Medan serta menilai kesesuaiannya dengan prinsip kepastian hukum dan perlindungan hak pekerja. Selain itu, penelitian ini juga bertujuan merumuskan konsep penyelesaian perselisihan hak yang ideal guna menjamin kepastian hukum yang berkeadilan dalam hubungan industrial sektor perbankan.

Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual. Lokasi penelitian bersifat studi kepustakaan dengan objek utama Putusan PHI No. 1628 K/Pdt.Sus-PHI/2022/PN Medan. Sumber bahan hukum terdiri atas bahan hukum primer (peraturan perundang-undangan dan putusan pengadilan), bahan hukum sekunder (literatur, jurnal, dan pendapat ahli), serta bahan hukum tersier (kamus dan ensiklopedia hukum). Analisis bahan hukum dilakukan secara deskriptif kualitatif melalui penafsiran sistematis terhadap norma hukum dan pertimbangan hakim untuk menilai penerapan asas kepastian hukum dalam penyelesaian perselisihan hubungan industrial.

Hasil penelitian menunjukkan bahwa pertimbangan hakim dalam Putusan PHI No. 1628 K/Pdt.Sus-PHI/2022/PN Medan menitikberatkan pada keberlakuan hukum positif secara temporal pasca Undang-Undang Cipta Kerja, sehingga kepastian hukum dipahami sebagai konsistensi penerapan norma yang berlaku, meskipun berimplikasi pada berkurangnya perlindungan normatif pekerja; dan penyelesaian perselisihan hak yang menjamin kepastian hukum seharusnya tidak hanya berorientasi pada kepastian norma tertulis, tetapi juga harus mengintegrasikan asas keadilan dan perlindungan hukum melalui harmonisasi regulasi, konsistensi penafsiran hakim, serta penempatan pekerja sebagai pihak yang perlu dilindungi dalam hubungan kerja yang tidak seimbang.

Kata Kunci: kepastian hukum, perselisihan hak, perlindungan pekerja, hubungan industrial, keadilan hukum

ABSTRACT

Angel Evelin Saragih Sitio (2410622013). The Principle of Legal Certainty in the Settlement of Employee Rights Disputes with Banks After the Job Creation Law (Case Study of Industrial Relations Court Decision No. 1628 K/Pdt.Sus-PHI/2022/PN Medan). Supervised by Dr. Iwan Erar Joesoef, S.H., Sp.N., M.Kn. as Main Supervisor and Dr. Atik Winanti, S.H., M.H. as Co-Supervisor.

This study aims to analyze, evaluate, and formulate the application of the principle of legal certainty in the settlement of employee rights disputes with banking institutions following the enactment of the Job Creation Law. Specifically, the research examines judicial considerations in Industrial Relations Court Decision No. 1628 K/Pdt.Sus-PHI/2022/PN Medan and assesses their conformity with the principles of legal certainty and worker protection. Furthermore, this study seeks to formulate an ideal model for resolving rights disputes to ensure fair legal certainty within industrial relations in the banking sector.

This research is a normative legal study employing statutory, case, and conceptual approaches. The research is conducted through library research, with the primary object being Industrial Relations Court Decision No. 1628 K/Pdt.Sus-PHI/2022/PN Medan. Legal materials consist of primary legal materials (laws and court decisions), secondary legal materials (legal literature, journals, and expert opinions), and tertiary legal materials (legal dictionaries and encyclopedias). Legal materials are analyzed using a descriptive qualitative method through systematic interpretation of legal norms and judicial reasoning to assess the application of the principle of legal certainty in the settlement of industrial relations disputes.

The results of the study show that the judge's considerations in the PHI Decision No. 1628 K/Pdt.Sus-PHI/2022/PN Medan emphasize the temporal applicability of positive law after the Job Creation Law, so that legal certainty is understood as the consistency of the application of applicable norms, even though it has implications for reducing normative protection for workers; and the resolution of rights disputes that guarantee legal certainty should not only be oriented towards the certainty of written norms, but must also integrate the principles of justice and legal protection through harmonization of regulations, consistency of judges' interpretation, and the placement of workers as parties who need to be protected in an unequal employment relationship.

Keywords: legal certainty, rights dispute, worker protection, industrial relations, legal justice