

ABSTRAK

Penelitian ini membahas tentang *Perjanjian Bersama sebagai alternatif penyelesaian perselisihan Pemutusan Hubungan Kerja (PHK) sepihak* yang terjadi di PT. Gemilang Sawita Indah Permai. Dalam konteks hukum ketenagakerjaan Indonesia, PHK merupakan tindakan yang berdampak signifikan terhadap pekerja, baik secara ekonomi, sosial, maupun psikologis. Oleh karena itu, penyelesaian sengketa ketenagakerjaan memerlukan pendekatan yang adil dan efisien sesuai amanat Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan serta Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial.

Penelitian ini bertujuan untuk menganalisis dasar hukum, penerapan, serta kendala dan solusi Perjanjian Bersama dalam penyelesaian perselisihan PHK sepihak. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan yuridis sosiologis, serta teknik pengumpulan data melalui studi kepustakaan dan wawancara. Hasil penelitian menunjukkan bahwa Perjanjian Bersama, sebagai hasil dari proses mediasi, dapat menjadi sarana efektif dalam mencapai keadilan dan kepastian hukum bagi para pihak yang berselisih.

Namun demikian, pelaksanaannya tidak terlepas dari tantangan, seperti ketidakseimbangan posisi tawar antara pengusaha dan pekerja serta lemahnya itikad baik dalam menjalankan isi perjanjian. Oleh karena itu, penguatan peran mediator serta pengawasan oleh instansi terkait menjadi kunci dalam menjamin efektivitas penyelesaian sengketa melalui jalur non-litigasi ini.

Kata Kunci: Perjanjian Bersama, Pemutusan Hubungan Kerja, Mediasi, Hukum Ketenagakerjaan, Penyelesaian Perselisihan.

Abstract

This study discusses the Collective Agreement as an alternative resolution of unilateral Termination of Employment (PHK) disputes that occurred at PT. Gemilang Sawita Indah Permai. In the context of Indonesian labor law, PHK is an action that has a significant impact on workers, both economically, socially, and psychologically. Therefore, the resolution of employment disputes requires a fair and efficient approach in accordance with the mandate of Law Number 13 of 2003 concerning Manpower and Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes.

This study aims to analyze the legal basis, implementation, and obstacles and solutions of Collective Agreements in resolving unilateral layoff disputes. The research method used is empirical juridical with a sociological juridical approach, as well as data collection techniques through literature studies and interviews. Results This study aims to analyze the legal basis, implementation, and obstacles and solutions of Collective Agreements in resolving unilateral layoff disputes. The research method used is empirical juridical with a sociological juridical approach, as well as data collection techniques through literature studies and interviews. The results of the study indicate that Collective Agreements, as a result of the mediation process, can be an effective means of achieving justice and legal certainty for the disputing parties. The study shows that Collective Agreements, as a result of the mediation process, can be an effective means of achieving justice and legal certainty for the disputing parties.

However, its implementation is not without challenges, such as imbalanced bargaining power between employers and workers and weak good faith in enforcing the terms of the agreement. Therefore, strengthening the role of mediators and oversight by relevant agencies are key to ensuring the effectiveness of dispute resolution through this non-litigation channel.

Keywords: Joint Agreement, Employment Termination, Mediation, Labor Law, Dispute Resolution