

PEMUTUSAN HUBUNGAN KERJA (PHK) KARENA PAILIT DI TENGAH PANDEMI *COVID-19*

Oleh:

Arian Nathan Parheheon

E1A018024

ABSTRAK

Pandemi *Covid-19* membuat banyak perusahaan mengalami kondisi pailit. Pailit merupakan salah satu alasan yang dapat digunakan perusahaan untuk melakukan pemutusan hubungan kerja, selain itu pengaturan mengenai ketenagakerjaan mengalami perkembangan dengan adanya Undang Undang Nomor 11 tahun 2020 tentang Cipta Kerja yang memuat rumusan terbaru mengenai Pemutusan Hubungan Kerja. Penelitian ini bertujuan untuk mengetahui dan menganalisis pengaturan mengenai PHK karena pailit dan implikasi hukumnya terhadap pekerja yang terkena PHK karena pailit pasca berlakunya Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja. Metode penelitian yang digunakan adalah yuridis normatif dengan metode pendekatan analitis (*analytical approach*), dan pendekatan konseptual (*conceptual approach*). Spesifikasi penelitian dalam penelitian ini adalah Deskriptif Analitis. Hasil penelitian menunjukkan terdapat pengurangan hak yang diberikan terhadap pekerja yang terkena PHK karena pailit. Di dalam UU Ketenagakerjaan, pekerja yang terkena PHK karena Pailit mendapatkan Uang Pesangon sebesar 1x ketentuan, Uang Penghargaan Masa Kerja sebesar 1x ketentuan dan Uang Penggantian Hak sebesar 1x ketentuan, sedangkan di dalam Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja mendapatkan Uang Pesangon sebesar 0,5 kali ketentuan, Uang Penghargaan Masa Kerja sebesar 1x ketentuan dan Uang Penggantian Hak sebesar 1x ketentuan.

Kata Kunci: Pemutusan Hubungan Kerja, Perlindungan Hukum Pekerja.

**TERMINATION OF EMPLOYMENT (PHK) DUE TO BANKRUPTCY IN
PANDEMIC COVID- 19**

By:

Arian Nathan Parheheon

E1A018024

ABSTRACT

Pandemic Covid-19 brought many companies into bankruptcy. Bankruptcy is one of the reasons that companies can use to terminate employment, in addition to that, regulations regarding employment have developed with the existence of Law Number 11 of 2020 concerning Job Creation which contains the latest formulation regarding Termination of Employment. This study aims to identify and analyze the regulation regarding layoffs due to bankruptcy and its legal implications for workers affected by layoffs due to bankruptcy after the enactment of Law Number 11 of 2020 concerning Job Creation. The research method used is normative juridical with analytical approach and conceptual approach. The research specification in this research is descriptive analytical. The results showed that there was a reduction in the rights granted to workers who were laid off due to bankruptcy. In the Manpower Act, workers who are laid off due to bankruptcy will receive 1x severance pay, 1x severance pay for tenure and 1x provision for compensation for rights, while in Law Number 11 of 2020 concerning Job Creation, they will receive severance pay in the amount of 0.5 times the provisions, the Term of Service Reward is 1x the provisions and the Entitlement Replacement Money is 1x the provisions.

Keywords: Termination of Employment, Legal Protection of Workers.