

ABSTRAK

Judul:

**PEMUTUSAN HUBUNGAN KERJA KARENA PEKERJA MANGKIR
PADA PT. HOLCIM INDONESIA TBK.
(Analisis Yuridis Terhadap Putusan Mahkamah Agung
Nomor 340 K/Pdt.Sus-PHI/2016)**

Oleh:

**ABU DZAR ALGHIFARI
E1A013229**

Penelitian ini bersumber pada putusan Mahkamah Agung Nomor 340 K/Pdt.Sus-PHI/2016 yang membatalkan putusan Pengadilan Hubungan Industrial Nomor 221/Pdt.Sus-PHI/2015/PN.Bdg mengenai perkara pemutusan hubungan kerja karena pekerja mangkir pada PT. Holcim Indonesia Tbk.

Penelitian ini menggunakan metode penelitian yuridis normatif. Pendekatan penelitian menggunakan pendekatan undang-undang dan konseptual. Spesifikasi penelitian yang digunakan preskriptif analitis. Sumber bahan hukum yang digunakan bahan hukum primer dan bahan hukum sekunder. Metode analisis data menggunakan interpretasi gramatikal dan sistematis.

Berdasarkan hasil penelitian dan pembahasan dalam penelitian ini diketahui bahwa pertimbangan hukum hakim pengadilan hubungan industrial tidak tepat karena pemutusan hubungan kerja dalam perkara antara Jonny Simanjuntak dengan PT. Holcim Indonesia Tbk. tidak memenuhi unsur pada ketentuan Pasal 168 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Atas hal tersebut, maka putusan Mahkamah Agung dalam membatalkan putusan Pengadilan Hubungan Industrial telah sesuai dengan peraturan perundang-undangan dan telah tidak sesuai dengan peraturan perundang-undangan dalam menerapkan pemutusan hubungan kerja karena pekerja melanggar Perjanjian Kerja Bersama berdasarkan Pasal 161 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan karena tidak memenuhi unsur pada ketentuan pasal tersebut.

Kata Kunci: Pemutusan Hubungan Kerja, Mangkir, Hubungan Industrial

ABSTRACT

Title:

**TERMINATION OF EMPLOYMENT DUE TO WORKER DEFAULTERS
ON PT. HOLCIM INDONESIA TBK.
(Judicial Analysis of Supreme Court Decision No. 340 K/Pdt.Sus-PHI/2016)**

By:

**ABU DZAR ALGHIFARI
E1A013229**

This research is based on Supreme Court decision no. 340 K/Pdt.Sus-PHI/2016 which cancels the decision of Industrial Relation Court no. 221/Pdt.Sus-PHI/2015/PN.Bdg is about the case termination of employment to worker defaulters on PT. Holcim Indonesia Tbk.

This research uses doctrinal legal approach method. Research approach uses constitution and conceptual approach. The research specification which is used prescriptive analytical. The sources of legal materials that are used primary legal material and secondary legal material. Analysis data method uses grammatical and systematic interpretation.

Based on the result of research and discussion in this research is known that legal considerations of industrial relations court judges are not appropriate because the termination of employment in case between Jonny Simajuntak with PT. Holcim Indonesia Tbk. doesn't fulfill the element in provision article 168 constitution no. 13 of 2003 is about employment. Because of that, therefore Supreme Court decision in cancelling Industrial Relation Court decision has been appropriate legislation regulation which applies because Judex Facti have been guilty applies the provisions of Article 168 of Constitution no. 13 of 2003 on employment and the Supreme Court in applying the termination of employment because the workers violate the Collective Work Agreement according to Article 161 of Constitution no 13 of 2003 is about employment is not appropriate with the laws and regulations because it does not fulfill the elements of the article.

Keywords: The Termination of Employment, Worker Defaulters, Industrial Relation