

**HAK ATAS UPAH PROSES DALAM PENYELESAIAN PERSELISIHAN
PEMUTUSAN HUBUNGAN KERJA DI USIA PENSIUN
(Studi Kasus Putusan Mahkamah Agung Nomor 792 K/Pdt.Sus-PHI/2018)**

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ABSTRAK

Pasal 155 Undang-Undang Nomor 13 Tahun2003 tentang Ketenagakerjaan menyebutkan bahwa selama putusan lembaga penyelesaian perselisihan hubungan industrial belum ditetapkan Pengusaha harus tetap melaksanakan kewajibannya, kewajiban yang dimaksud adalah membayarkan upah Pekerja. Upah yang tetap harus dibayarkan selama proses penyelesaian perselisihan di lembaga penyelesaian perselisihan hubungan industrial sampai ada putusan yang berkekutan hukum tetap tersebut yang lazim disebut Upah Proses. Dalam penulisan skripsi ini bertujuan untuk mengetahui apakah alasan Pemutusan Hubungan Kerja dalam putusan Mahkamah Agung nomor 792 K/Pdt.Sus-PHI/2018 telah sesuai dengan ketentuan Undang-Undang Nomor 13 Tahun2003 tentang Ketenagakerjaan dan apakah penetapan hak atas Upah Proses dalam putusan Mahkamah Agung nomor 792 K/Pdt.Sus-PHI/2018 telah sesuai dengan ketentuan Undang-Undang Nomor 13 Tahun2003 tentang Ketenagakerjaan. Dalam penelitian ini digunakan motodologi penelitian yuridis normatif yang mana penelitian ini dilakukan dengan meneliti data sekunder. Menggunakan metode pendekatan kasus (*Case Approach*) merupakan pendekatan dengan cara menelaah kasus yang mempunyai korelasi dengan isu yang sudah inkracht atau berkekutan hukum tetap. Penelitian ini menunjukkan bahwa alasan Pemutusan Hubungan Kerja karena usia pensiun sebagaimana ditetapkan dalam putusan Mahkamah Agung nomor 792 K/Pdt.Sus-PHI/2018 telah sesuai dengan ketentuan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan pasal 167 ayat (1) dan penetapan hak atas Upah Proses dalam putusan Mahkamah Agung nomor 792 K/Pdt.Sus-PHI/2018 tidak sesuai dengan ketentuan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Pengusaha wajib memberikan hak Pekerja dengan membayarkan Upah Proses paling banyak 6 bulan gaji selama proses penyelesaian perselisihan atas Pemutusan Hubungan Kerja yang terjadi masih belum ditetapkan.

Kata Kunci : Ketenagakerjaan, Pemutusan Hubungan Kerja, Upah Proses

ABSTRACT

Article 155 of Law Number 13 of 2003 concerning Manpower states that as long as the decision of the industrial relations dispute settlement institution has not been determined, the Employer must continue to carry out his obligations, the obligation

in question is to pay the wages of the Workers. Wages that must still be paid during the dispute resolution process at the industrial relations dispute settlement agency until there is a decision that is legally binding is commonly known as Process Wages. In writing this thesis, the aim is to find out whether the reasons for Termination of Employment in the Supreme Court's decision number 792 K/Pdt.Sus-PHI/2018 are in accordance with the provisions of Law Number 13 of 2003 concerning Employment and whether the determination of the right to Process Wages in the Supreme Court's decision number 792 K/Pdt.Sus-PHI/2018 is in accordance with the provisions of Law Number 13 of 2003 concerning Manpower. In this study, a normative juridical research methodology was used in which this research was conducted by examining secondary data. Using the case approach method is an approach by examining cases that have a correlation with issues that are already inkracht or have permanent legal force. This study shows that the reason for Termination of Employment because of retirement age as stipulated in the Supreme Court's decision number 792 K/Pdt.Sus-PHI/2018 has been in accordance with the provisions of Law Number 13 of 2003 concerning Manpower Article 167 paragraph (1) and the determination of rights The Process Wages in the Supreme Court's decision number 792 K/Pdt.Sus-PHI/2018 are not in accordance with the provisions of Law Number 13 of 2003 concerning Manpower. Employers are obligated to give Workers rights by paying Process Wages at most 6 months of salary as long as the dispute resolution process over the Termination of Employment that has occurred has not yet been determined.

Keywords: Employment, termination of employment, process wages