

ABSTRAK

Tujuan penelitian ini adalah untuk menganalisis pertimbangan hukum dalam Putusan Nomor 46/Pdt.Sus-PHI/2023/PN Pbr terkait kasus pemutusan hubungan kerja (PHK) antara Yosep Primadona (pekerja) dan PT Eluan Mahkota (pengusaha). Permasalahan dari penelitian ini adalah bagaimakah pertimbangan hukum dalam Putusan Nomor 46/Pdt.Sus-PHI/2023/PN Pbr yang ditinjau dari aspek yuridis, filosofis, dan sosiologis. Metode penelitian yuridis normatif dengan menggunakan pendekatan konseptual (*conseptual approach*), pendekatan perundang-undangan (*stauate approach*), dan pendekatan kasus (*case approach*). Bahan hukum yang digunakan adalah bahan hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa majelis hakim memutuskan mutasi dan PHK yang dilakukan oleh perusahaan tidak sah karena bertentangan dengan Pasal 32 Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Pertimbangan hakim mencakup tiga aspek, berdasarkan aspek yuridis mutasi dan PHK tidak memenuhi prosedur hukum, termasuk ketiadaan pemberitahuan terlebih dahulu dan pelanggaran terhadap Peraturan Perusahaan, berdasarkan aspek filosofis putusan didasarkan pada prinsip keadilan substantif, keseimbangan hak, dan penghormatan terhadap martabat pekerja, berdasarkan aspek sosiologis putusan memperhatikan dampak sosial PHK terhadap pekerja dan menegaskan pentingnya perlindungan hak pekerja dalam hubungan industrial. Putusan ini mencerminkan penerapan prinsip kepastian hukum, keadilan, dan perlindungan pekerja, sekaligus menegaskan bahwa PHK harus menjadi upaya terakhir (*ultima ratio*).

Kata Kunci : Pemutusan Hubungan Kerja, Mutasi Kerja, Hubungan Industrial

ABSTRACT

The purpose of this research is to analyze the legal considerations in Decision Number 46/Pdt.Sus-PHI/2023/PN Pbr related to the case of termination of employment (PHK) between Yosep Primadona (worker) and PT Eluan Mahkota (employer). The problem of this research is how the legal considerations in Decision Number 46/Pdt.Sus-PHI/2023/PN Pbr are viewed from juridical, philosophical, and sociological aspects. Normative juridical research method using conceptual approach, statutory approach, and case approach. The legal materials used are primary and secondary legal materials. The results showed that the panel of judges decided that the mutations and layoffs carried out by the company were invalid because they were contrary to Article 32 of Law Number 13 of 2003 concerning Manpower. The judges' considerations cover three aspects, based on the juridical aspect, the mutations and layoffs did not fulfill legal procedures, including the absence of prior notification and violation of Company Regulations, based on the philosophical aspect, the decision is based on the principles of substantive justice, balance of rights, and respect for the dignity of workers, based on the sociological aspect, the decision pays attention to the social impact of layoffs on workers and emphasizes the importance of protecting workers' rights in industrial relations. This decision reflects the application of the principles of legal certainty, justice, and worker protection, as well as emphasizing that layoffs must be the last resort (ultima ratio).

Keywords: *Termination of Employment, Job Mutation, Industrial Relations*