

## ABSTRAK

### PERLINDUNGAN HUKUM TERHADAP PEKERJA *OUTSOURCING* OLEH DINAS TENAGA KERJA KOTA BANDAR LAMPUNG

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Pertumbuhan dunia usaha membuat kebutuhan tenaga kerja semakin meningkat. Perusahaan gemar melaksanakan praktik *outsourcing*, demi menekan jumlah pekerja dan mendapatkan keuntungan yang besar dengan menyerahkan tanggung jawab pekerjaan penunjang pada perusahaan lain. Pekerja *outsourcing* merupakan bagian dari tenaga kerja yang diatur dan dilindungi melalui Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Permasalahan yang sering terjadi dalam sistem *outsourcing* adalah pemutusan hubungan kerja sepihak, tidak terjaminnya hak-hak pekerja *outsourcing*, dan tidak ada jaminan kelangsungan bekerja yang diberikan oleh perusahaan. Berdasarkan kenyataan tersebut penulis merumuskan permasalahan yaitu (1) Bagaimanakah Perlindungan Hukum Terhadap Pekerja *Outsourcing* oleh Dinas Tenaga Kerja Kota Bandar Lampung dan (2) Apa Sajakah Faktor Penghambat Perlindungan Hukum Terhadap Pekerja *Outsourcing* oleh Dinas Tenaga Kerja Kota Bandar Lampung.

Dalam menjawab permasalahan digunakan dua metode penelitian yaitu yuridis normatif dan yuridis empiris. Sumber data berasal dari data primer dan data sekunder yang dikumpulkan melalui penelitian kepustakaan dan penelitian lapangan di Dinas Tenaga Kerja Kota Bandar Lampung. Analisis data menggunakan metode deskriptif kualitatif.

Dari hasil penelitian dan pembahasan, diketahui bahwa (1) perlindungan hukum pekerja *outsourcing* oleh Dinas Tenaga Kerja Kota Bandar Lampung dilakukan secara represif yaitu pengendalian setelah terjadi sengketa dengan membantu proses penyelesaian perselisihan dan mengupayakan pengembalian hak-hak pekerja *outsourcing* yang tidak diberikan sebelum atau sesudah terjadi perselisihan, seperti upah, THR, uang lembur serta iuran jaminan kesehatan kerja. (2) Faktor penghambat perlindungan hukum tersebut karena (a) tidak ada kantor perwakilan perusahaan *outsourcing*, (b) sulit mencapai kesepakatan karena kerasnya keinginan para pihak, (c) isi perjanjian kerja terdapat hal-hal yang dapat memutus hubungan kerja secara sepihak tanpa adanya jaminan terpenuhinya hak-hak pekerja *outsourcing* serta (d) tidak ada jaminan kelangsungan bekerja pekerja *outsourcing*.

Saran dalam penelitian ini berdasarkan hasil penelitian adalah perlu adanya kordinasi yang baik antara Dinas Tenaga Kerja Kota Bandar Lampung dengan Dinas Tenaga Kerja Provinsi Lampung yang memiliki fungsi pengawasan terkait masalah-masalah sistem *outsourcing* yang terjadi sehingga dapat mencegah terjadinya perselisihan secara dini dan menimalisir adanya banyaknya pengaduan perselisihan pekerja *outsourcing*.

Kata kunci: Perlindungan Hukum, Tenaga Kerja,*Outsourcing*.

## ABSTRACT

### LEGAL PATRONAGE AGAINST *OUTSOURCING* WORKERS UNDER BANDAR LAMPUNG DEPARTMENT OF MANPOWER

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The growth of business realm makes worker demands get increased. A company revels doing outsourcing to work the workers up and get high profits by handing the responsibility of the support workers over other companies. Outsourcing workers are regulated and protected by Number 13 of Year 2003 Concerning Manpower Affairs. The matters that often occur in outsourcing system are the entrepreneur unilaterally terminates the employment, the rights of outsourcing workers are not guaranteed, there are not any guarantees of continuity of workers from the company. Found on the statements, the writer made the formulation of the problems as following (1) how is legal patronage against outsourcing workers under Bandar Lampung Department of Manpower (2) what are resistor factors in legal patronage against outsourcing workers under Bandar Lampung Department of Manpower.

To answer the problems, the writer used two research methods, they were normative juridical and empirical juridical. The data sources were from primary and secondary data which were collected through literature research and field research In Bandar Lampung Department Of Manpower. The analysis of the data used descriptive qualitative method.

Based on the results of the research and discussion, those were known that (1) legal patronage against outsourcing workers under Bandar Lampung Department of Manpower is carried out repressively, which is the control after coming off a dispute by assisting the conflict completion process and striving to return the rights of outsourcing workers not given before or after coming off a conflict, as though wages, a mandatory allowance, overtime pay and occupational health insurance contributions. (2) the legal patronage resistor factors as follow (a) there are no representative offices of an outsourcing company, (b) it is difficult to get a deal because of the hard will of the parties, (c) there are things that can unilaterally terminate the employment without guaranteeing the fulfillment of the rights of outsourcing workers in the contents of the work agreement and (d) there are not any guarantees of continuity of work for outsourcing workers.

The suggestion in this research based on the result of the research is there needs to be good coordination between Bandar Lampung Department of Manpower and Department of Manpower of Lampung Province which has a supervisory function related to outsourcing system problems that occur, so that it can prevent the occurrence of disputes early on and minimize the number of complaints from *outsourcing* workers.

Keywords : Legal Patronage, Manpower, *Outsourcing*